The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שפ"ו סעיף א'-ב'

Overview

Siman 386 Seif 1:

Chazal prohibited transported items from yards to the *mavoi* but permitted it with a *shituf*. This involves collecting bread or some other food from each yard and that food is deposited in one of the yards and we now see it as though the *mavoi* opens to that yard. Since the purpose is to connect yards, the food may be stored in the airspace of one of the yards or in a house that is not four by four. It is not necessary to place the food in a house but it must be placed in a protected place. Therefore, it is not placed in the airspace of the *mavoi* (See above *siman* 366).

- Just as the *eruv* combines the houses in the yard, so too, the *shituf* combines the yards in the *mavoi* into one. (M.B. 2)
- Bread is necessary for the *eruv* to combine the houses since bread represents his dwelling. In contrast since the *shituf* is to combine the yards, any food is sufficient. (M.B. 3)
- A yard is a protected place. (M.B. 5)

Siman 386 Seif 2:

Jews who live in three distinct places and doors between them are locked each night, even if the *shamash* collects flour from each of them it is not effective for them to make a *shituf* since the collected food must be stored in a yard of the *mavoi* and these yards are separate from one another so the *shituf* does not unify them and they reside in different *mevo'os*. If they made an *eruv* in one place the others who did not make an *eruv* do not prohibit since they do not have rights of passage being that the city is not considered one *mavoi* even if it is surrounded by a wall.

- They are in three separate *mevo'os* which are distant from one another and are separated by a place that prohibits transporting items due to the gentiles that live there and they did not lease space from them. (M.B. 7)
- It is not necessary for the doors to be locked at night being that they are separated by a prohibited place so that the *shituf* would be ineffective. Bais Meir explains that even if they are not separated by a place that is prohibited, if they are far apart and there are doors that lock at night between them, they may not make a *shituf* since they cannot be combined. If the doors could be unlocked at night, the fact that they remain locked does not negatively impact upon them. (M.B. 9)
- Although they may pass through, since there is an alternative route we force them to use the alternative route. (M.B. 11)
- In a single *mavoi* when some of the residents want to make their own *mavoi* it is necessary to separate from the remaining residents of the *mavoi* with a *tzuras hapesach* or at least two posts. (M.B. 12)
- This is difficult since generally *halacha* states that when a city is surrounded it is considered a yard that everyone shares and it would be necessary to formally separate from the remainder of the residents. (M.B. 13)

Halacha Highlight

Using bread for the *shituf*

Shulchan Aruch Siman 386 Seif 1
שגובין פת או דבר אחר ממיני מאכל
They collect bread or some other food

Shulchan Aruch (סע' א') introduces the requirement to make a *shituf* to merge together the yards that all connect to a *mavoi* to permit transporting items from individual yards to the *mavoi*. Mishnah Berurah (סק"ב) explains that an *eruv chatzeiros* and a *shitufei mevo'os* are essentially the same thing except that the *eruv* is designed to permit residents of a yard to transport items from their individual homes to the yard and the *shituf* is designed to permit transporting items from individual yards to the *mavoi*. Aruch HaShulchan (סע' א') explains that Chazal should have used the term *eruv* for both the yard (*eruvei chatzeiros*) and *mavoi* (*eruvei mevo'os*). However, if they used the word *eruv* for both domains it would become cumbersome since each time it would be necessary to specify whether they are discussing the *eruv* for a yard or a *mavoi*. Therefore, in order to make it simpler they used the word *eruv* when merging homes and *shituf* when merging yards.

Shulchan Aruch ruled that when making a *shituf* they collect bread or other food from the residents. Mishnah Berurah (סק"ג) notes that for an *eruv* they must use bread since the residents are establishing residence and one's residence is determined by the location of his bread. A *shituf* is to merge together the yards rather than establish residence and thus any food will suffice. Biur Halacha (סי' שס"ו סע' ו' ד"ה אין) ruled that just like it is acceptable to make a *shituf* with other foods, so too it is acceptable to make the *shituf* with a slice of bread rather than a whole loaf, which is necessary when making an *eruv*. He notes that this is evident from Rambam who, when discussing the *eruv*, writes that one must use a whole loaf but when discussing the *shituf* writes that one may use bread or other food and does not emphasize the necessity for the loaf to be whole. However, he notes that other Rishonim maintain that if one will make the *shituf* with bread it is necessary to use a whole loaf.