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

Overview

Siman 408 Seif 2:

If one placed his *eruv* in a private domain, even if the city is as large such as Ninveh and even if the city is desolate or a cave that is fit for residents, he may walk the entire area of the city as well as outside of it 2000 *amos* in each direction.

- It must be fit for dwelling even though no one dwells there but if, for example, the walls are breached so that it is unfit for dwelling, we measure 2000 *amos* from where the *eruv* was placed. (M.B. 25)
- This assumes that it was enclosed for residential purposes. If it contains less than two *bais seah* it is not necessary for it to have been enclosed for residential purposes. (M.B. 26)

Siman 408 Seif 3:

If one places his *eruv* in the city where he dwells, he has accomplished nothing and we do not measure from his *eruv* rather he is treated like other residents of the city who are given 2000 *amos* in each direction out of the city. Similarly, if he placed the *eruv* in places that are extensions of the city and the *techum* is measured from their outer edge, it is as if he placed the *eruv* within the city.

- Meaning the extension (עיבור) of the city. (M.B. 29)

Siman 408 Seif 4:

If one placed his *eruv* beyond his *techum* it is ineffective (and he measures his *techum* from his home).

- The reason is that he cannot reach it during *bein hashemashos* which is the time that the *eruv* takes effect. (M.B. 30)
- Since his *eruv* is not valid we assume he intended to establish his residence in his home. (M.B. 31)

Halacha Highlight

Placing an *eruv* beyond the *techum*

Shulchan Aruch Siman 408 Seif 4

נתן ערובו חוץ לתחום

If he places his *eruv* outside of the *techum*

Shulchan Aruch (סעי' ד') rules that if one places his *eruv* beyond the *techum* it is invalid. The reason is that it is a prerequisite that one be capable of accessing his *eruv* during *bein hashemashos* which is when the *eruv* takes effect, and an *eruv* that is outside of the *techum* is considered inaccessible (מ"ב סק"ל). Rema adds that his *techum* will be measured from his home. Mishnah Berurah (ס"ק ל"א) explains that when he is in his home or within the *techum* of his house we assume that since the *eruv* is invalid he intends to revert back to the *techum* from his home.

Mishnah Berurah (שם) also directs us to read what he wrote below in *siman* 411. Shulchan Aruch there rules that one who sent an agent to place his *eruv* and the agent placed the *eruv* beyond the *techum*, he measures his *techum* from his home. Mishnah Berurah (סי' תי"א סק"ג) offers two explanations for this *halacha*. We assume that his intent is that if the *eruv* is invalid he wants his residence to be his home. Alternatively, since if his residence is established where the *eruv* was placed he would not be permitted to move from his present location since it is beyond his *techum*, the agency is cancelled since an agent is empowered to do something beneficial but not something detrimental. Biur Halacha (שם ד"ה ונשאר) notes that a practical difference between these two explanations is if the owner himself placed the *eruv* outside of the *techum* from his house. According to the first explanation we would still assume that since the *eruv* is invalid he would prefer to establish his residence in his home. However, according to the second reason since it was he, rather than his agent that placed the *eruv* at that distant location, he would lose the residence of his home since he indicated that he prefers the residence at the location of his *eruv*.