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

# Overview

Siman 409 Seif 12:

**If two people are travelling and one recognizes a place and the other does not, the one who does not recognize the place can give his residence to his friend who will declare their residence in that place.**

- He declares his intent that his residence will be with his friend. (M.B. 72)

Siman 409 Seif 13:

**This allowance is limited to travelers but not for one who is in his home and if he makes such a declaration it is ineffective and his home remains his residence.**

- Chazal were lenient for one who is exhausted from travelling and allow him to verbally declare his residence as opposed to one who is in his home who must go to the location where he intends to establish residence and remain there until dark or at least place food for two meals there. (M.B. 73)

Siman 410 Seif 1:

**Someone who intends to establish residence in a specific location and began to travel there to acquire residence, even if he does not reach that location because his friend called him back to stay with him or he returned of his own volition to stay there or got held up, on Shabbos day he may walk to the place he intended to establish residence and from there another 2000 *amos*. The reason is that once he decided to establish residence at that location and began his journey, it is treated as though he was physically there or placed his food there. The above is true for a poor person who we do not expect to deposit an *eruv* or someone who is distant who was travelling but does not apply to someone who is not poor or far away.**

- Many *Poskim* maintain that beginning to travel is effective only if he began to travel to personally establish his residence rather than to place down an *eruv* and in such a circumstance it is evident that his intent was to establish residence even though he did not verbalize that intent. (M.B. 2)
- This is effective only if he could have reached that point. (M.B. 3)
- He decided to return home and travel on Shabbos but if he changed his mind from travelling altogether he uproots his original intent and is considered a regular resident of the city. (M.B. 4)
- Meaning a poor person who does not have food for two meals to leave as an *eruv* and Chazal did not wish to burden him to personally make an *eruv*. One who began travelling can declare his residence ahead of him, even if he is wealthy. Biur Halacha cites many authorities who maintain that even a poor person may not declare his residence in a different location while sitting in his home, only when he began to travel. (M.B. 6)

# Halacha Highlight

## Attempting to physically relocate one's residence

Shulchan Aruch Siman 410 Seif 1
**בעני שאין מטריחין אותו להניח ערוב**
**Regarding a poor person whom we do not trouble to place an *eruv***

Shulchan Aruch (סי' ת"י סע' א') addresses one who intended to relocate his residence elsewhere and began travelling toward that location and for some reason did not complete the journey. The *halacha* is that it is considered as though he acquired residence in that location and on Shabbos day he may walk to the intended location of his residence and then another 2000 *amos* from there. The reason given is that once he made up his mind to relocate his residence and began to travel to that location, it is as if he reached and remained in that new location for *bein hashemashos* or as though he placed food there. Shulchan Aruch then qualifies this *halacha* and writes that it applies to one who is poor whom we do not trouble to place an *eruv* or to someone who was already travelling and is considered poor because he does not have his belongings.

Mishnah Berurah (סק"ו) explains that Shulchan Aruch's intent when he qualified his ruling was to say that regarding a poor person who does not have two meals worth of food to put out as an *eruv* and is someone whom Chazal did not want to burden with having to walk to the place where he wants to establish residence may declare from his home of his intent to relocate his residence. Chazon Ish (או"ח סי' ק"י סק"ו ד"ה ומש"כ) takes issue with Mishnah Berurah's explanation which is claimed to represent Rambam's position about the matter (ע' שעה"צ סק"ג). Amongst the issues he raises is that he finds it illogical that Chazal would not require a poor person who lacks food to make an *eruv* to not relocate his residence by physically going to that location. This is especially true since physically establishing residence is considered the primary manner of relocating and placing food is secondary. In his conclusion he writes that since Rashba writes explicitly that this leniency applies to a poor person who began travelling to his new residence and not to one who remained in his home we must follow his position rather than Rambam when there is a debate concerning the proper intent of Rambam's ruling.