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

Overview

Siman 412 Seif 1:

If one made an *eruv* for part of the day to the north and for the other part of the day to the south because he mistakenly assumed that it was permitted to do so or if he instructed two people to make an *eruv* and one did so to the north and the other to the south, if both *eruvin* were placed 2000 *amos* from his city, he may not move from his home since we do not know which *eruv* he acquired. If the *eruvin* were not placed 2000 *amos* apart he may walk wherever they overlap. If each *eruv* was placed only 1000 *amos* from the city he may walk between the two *eruvin*. If the one to the east was placed 1000 *amos* away and the one to the west was placed 500 *amos* away, he may walk 1000 to the west by virtue of his east-*eruv* and to the east he may walk 1500 *amos* by virtue of his west-*eruv*.

- He is not even considered a resident of the city since he intended for the *eruvin* to be his residence and we do not know which one is effective. (M.B. 2)
- This is because each *eruv* covers this area since there are 2000 *amos* between the *eruvin*. (M.B. 3)

Siman 413 Seif 1:

If one makes an *eruv* for many people with his own food, he must declare that the *eruv* is for them and must have food for two meals for each of them and then anyone who wants to utilize the *eruv* may do so. He must convey ownership of the food to them via a third party who is fit to acquire the food on their behalf similar to an *eruv chatzeiros* (see above *siman* 366:10)**. He must inform them of his intent. As long as they were informed before Shabbos, even if they decided to rely upon it after Shabbos began rather than beforehand, the *eruv* is effective. However, if they were not informed beforehand, they may not rely upon when they find out after Shabbos began. Similarly, if one put out an *eruv* for future *Shabasos* and declared that when I want to use it, I will, even if he does not make his decision until Shabbos, he may rely upon it. Similarly, if one hears that a scholar is arriving but one does not know where he will settle so he placed two *eruvin* and declared that he wants to acquire residence in the direction where the scholar will be, it is effective. Alternatively, if he declared that if the scholar does not arrive he wants to remain one of the citizens or if two scholars arrive and he wants the option to choose which scholar to visit, it is valid in accordance with his stipulation. Similarly, if one informed three people of his intent to join one of their *eruvin*, even if he does not make his choice until it is dark, the *eruv* is effective.**

- Since they will lose the *techum* in the other direction which may be detrimental, they must be informed. (M.B. 5)
- *B'dieved*, informing them during *bein hashemashos* is effecitve. (M.B. 6)
- *Bereirah* is effective when they knew before Shabbos of their choice but is not effective when they did not know of their choice beforehand. (M.B. 7)
- Not only is it effective if the scholar already arrived and he is merely ignorant of his location but even if the scholar did not yet arrive and did not decide if he will enter this person's *techum* it is effective due to the principle of *bereirah*. (M.B. 9).

Halacha Highlight

Conveying ownership to someone who is not present

Shulchan Aruch Siman 413 Seif 1
אפילו לא גמר בלבו לסמך עליו מבעוד יום
Even if they did not decide to use it while it was yet day

Shulchan Aruch (סי' תי"ג א') presents many circumstances in which we utilize the principle of *bereirah* – retroactive clarification. One example is a person who makes an *eruv* on behalf of others and informs them that he did so before Shabbos. Even if they do not make the decision to use the *eruv* until it is after dark, it is effective. Mishnah Berurah (סק"ז) explains that the principle of *bereirah* indicates that the decision he made on Shabbos was his intent from before Shabbos. For that reason if he did not inform them of their choice before Shabbos the principle does not apply since we cannot retroactively create a choice that did not exist. The reason we may employ this principle is that the Gemara states that regarding Rabbinic matters one may apply the principle of *bereirah*.

Maharsham (שו"ת ח"ב סי' ל"ו) discusses whether the principle of *bereirah* applies to the bread that will be used for the *eruv*. In other words one conveys ownership of some bread to a friend but did not specify which loaf. When the friend arrives on Shabbos and chooses a loaf the principle of *bereirah* seemingly indicates that that was his loaf from before Shabbos and the *eruv* is valid. However, he cites Teshuvas Chaim Sh'al (ח"א סי' כ"ט) who writes that one who forgot to make an *eruv tavshillin* and remembered while in *shul* may not designate food as his *eruv tavshillin* even if he knows its exact location. The reason is that he must be with his food when he makes his designation. Sefer Ikrei Hadat (או"ח סי' כ"ד אות ח') wrote that the same is true concerning an *eruv techumin*. Accordingly, when he is not physically with his *eruv techumin* it is not valid and thus he may not designate food as his *eruv techumin* from *shul*. In his conclusion, he writes that although one could argue that since the matter is Rabbinic one may adopt a lenient approach, nevertheless, since they issued a ruling prohibiting it, one must follow their stringent ruling. Biur Halacha (ד"ה וכל מי), however, rules that it is acceptable to convey ownership of *eruv* food to someone who is not present.