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

Overview

Siman 414 Seif 1:

An *eruv techumin* may only be made for another with his consent since he may not want an *eruv* in the direction the other person has chosen. The exception is one's small children, even if he does not financially support them, his gentile slaves and maidservants. Even if they protest his *eruv* and even if they made a different *eruv* it is ineffective. Regarding one's adult children, even if he financially supports them, his Jewish slaves or maidservants or his wife, he may only make an *eruv* for them with their consent. If he made an *eruv* for them and they were aware and did not protest, they may use the *eruv* but if they did protest or if they made their own *eruv*, his *eruv* is not binding for them.

- It is assumed that they want to be part of his *eruv* so that even if they are not informed until dark, it is effective since it is assumed that during *bein hashemashos* they would want to be part of his *eruv*. (M.B. 4)
- Meaning they protested as soon as they heard but if they were initially silent and later protested, the eruv is effective since their initial silence is an agreement to the *eruv*. This is true when they are informed on Shabbos but if they are informed before Shabbos they could protest even after initially being silent. (M.B. 5)

Siman 414 Seif 2:

A child six years old or younger follows his mother's *eruv* and it is not necessary to place two meals worth of food for him.

- Once he begins his 7th year he must have his own *eruv* and does not follow his mother's or father's *eruv*. Shulchan Aruch follows the *Poskim* who maintain that a child always follows his mother's eruv regardless of whether the father is in town. However, Elya Rabba follows those who contend that when the father is in town, from the age of 4 or 5 the child wishes to follow the father's *eruv* and is not part of his mother's *eruv*. (M.B. 7)

Halacha Highlight

Half-slave half-free

Shulchan Aruch Siman 414 Seif 1
ועבדו ושפחתו הכנענים
And his gentile slave and maidservant

Shulchan Aruch (סע' א') states that as a general matter one cannot make an *eruv* for another person without his consent since he may not want an *eruv* in the direction that his friend chose for him being that it causes him to lose his *techum* in the other direction (מ"ב סק"א). There are certain exceptions to this rule. One exception is one's small children (above the age of six, see Biur Halacha ד"ה קטנים) even if their father does not financially support them. The reason is that an *eruv* may only be made to perform a *mitzvah* and thus it is appropriate to convey food to them to train them to do those same *mitzvos*. Another exception is one's gentile slaves and maidservants. Biur Halacha (ד"ה אינו כלום) notes that although the Beraisa seemingly equates one's younger children and one's slaves, there is a difference between them. If the father did not make an *eruv* for his children but someone else did, the children may follow that *eruv*. In contrast, if the slave owner did not make an *eruv* but someone else did, the slaves would not be able to use that *eruv*. The reason is that a slave is obligated to serve his owner and using someone else's *eruv* may inhibit the slave's ability to serve his owner (e.g., if the owner wishes to travel in the opposite direction of the *eruv*) and thus it is ineffective for the slave.

Tosefes Shabbos (סק"ב) notes that a slave owner may not make an *eruv* for his slave if he is half-slave half-free and that slave may even make an *eruv* for himself without the owner's consent. The reason is that since the owner is obligated to free him, we look at him as though he is already free. On the other hand, if a maidservant is half-slave half-free the owner is not obligated to free her since she is not commanded to procreate. Therefore, on a Shabbos where she is working for her owner, she has the status of a slave but on a Shabbos that she works for herself she is considered free and makes her own *eruv*.