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שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Dinim of City Eiruv 7

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לוקוטי ופסקי הלכות "חוקי חיים"

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Halachos Regarding a City Eiruv – 7

Parshas Yisro 5784

321

Eiruvei Chatzeiros and Shitufei Mevo'os

Some Rules

1. We wrote in the introduction to the series on eiruvim (Issue 315, par. 33) that an eiruv consists of two main things. The first is building halachic walls to close off an area so that it gets the status of a reshus hayachid; we elaborated on the main halachos in the prior issues. The second is arranging eiruvei chatzeiros or shitufei mevo'os, i.e., there must be an eiruv with bread to create a situation whereby everyone in the area of the eiruv acquires a single loaf of bread. This makes it as if they all live in one house and there are no separate living places at all. Then, one may carry throughout the whole area.
2. In the current issue, we will go through some important halachos about the actual making of the eiruv with bread. This is the final stage of making an eiruv. It comes after an area was already turned into a reshus hayachid by being within kosher walls [e.g., via three walls (Issue 317), doors (318), tzuros hapesach (319), or the like] and after space in the non-Jewish homes was rented to allow putting things there (320).

Differences between Eiruvei Chatzeiros and Shitufei Mevo'os

3. We previously mentioned (Issue 315, par. 24) that eiruvei chatzeiros join multiple houses within one courtyard, while shitufei mevo'os (ibid., par. 26) join multiple courtyards which open up to an alley. We will list some of the practical halachic differences between them.
4. **Bread vs. other foods.** Eiruvei chatzeiros must specifically be made with bread (ש"י שפ"ו ס"א), whereas shitufei mevo'os may be made with other foods (ש"י שפ"ו ס"ד).
5. **Where to leave the eiruv.** Eiruvei chatzeiros must be left in a habitable room in one of the houses in the courtyard (ש"י שפ"ו ס"ג), whereas shitufei mevo'os can be left in a protected area of a courtyard even if it is not fit for living (ש"י שפ"ו ס"א). However, it can also be left in a room of a house (ביאה"ל שם ד"ה ואין).

Setting Up the Eiruv

D'oraisa

6. Mid'oraisa, one may not carry from a reshus hayachid to a reshus horabim or from a reshus horabim to a reshus hayachid. Mid'oraisa, one may carry from a reshus hayachid to another reshus hayachid. Thus, after arranging walls for a reshus horabim to give it the status of a reshus hayachid, it would be mutar d'oraisa to carry anywhere within the area enclosed by the walls (Issue 315, par. 22 and on).

D'rabanan

7. However, Shlomo HaMelech and his beis din were concerned that if one would be allowed to carry from one reshus hayachid to another reshus hayachid, e.g., from a house to a courtyard or a courtyard to an alley, even when enclosed by walls, it might lead to people carrying from a reshus hayachid to an unwalled reshus horabim. Thus, they decreed that all the residents of a courtyard should join together, i.e., they should all be partners in one loaf of bread that is in one of the houses. Then, everyone is considered to be in one domain. This will not lead people to mistakenly conclude that they may also carry from a reshus hayachid to a reshus horabim, which is a completely separate domain (ש"י שפ"ו ס"א ומ"ב שם).

Setting Up Walls, Then Making the Eiruv

8. L'chatchila, kosher walls should first be arranged with real walls, tzuros hapesach, or anything else necessary to enclose the area according to halacha. Then, one makes a kinyan on the bread on behalf of all the local residents, makes the bracha, and says the nusach of "בדין יהא שריה וכו'" (cited below). B'dieved though, the kinyan of the eiruv bread works even if it was done before the walls were set up. However, the bracha may not be made as long as the setup of the walls is not complete (מ"ר בנתיבות השבת פ"א הע"ה, פסקי (תשובות ס"י שפ"ו אות ב').

9. If an eiruv was made properly, with the setup of the walls first and then the kinyan of the bread for a year, and then later the tzuros hapesach cord tore or something else happened that made the walls posul, there is no need to make a kinyan on the bread again upon fixing the walls, as it was done properly the first time and its eiruv status took effect (ש"י שפ"ו ס"א וביאה"ל שם ד"ה שנסתם).

Renting Property from Non-Jews, Then Making the Eiruv

10. Similarly, l'chatchila rental of non-Jewish property should be arranged (see Issue 320) before the kinyan of the bread. If one wants to make the eiruv with bread before renting the non-Jewish property, he may not make a bracha. However, b'dieved it is a valid eiruv even if the kinyan of the bread was done before renting property from the non-Jews since at bein hashemashos – which is when the eiruv takes effect – the rental was already made (ביאה"ל שפ"ו ס"א ד"ה צריך). One can even make a bracha after arranging the property rental before Shabbos (מ"ב ס"י שפ"ו סקפ"א).
11. **Setting up walls, renting property.** However, there is no precedence for setting up walls versus property rental; whichever order they are done is l'chatchila (חכמת לב פ"ו אות א').

Where to Leave the Eiruv

12. **Eiruvei chatzeiros.** The eiruv bread makes it as if everyone lives in one house and the whole area is one reshus. Since this happens in the place where the bread is left, the halacha is that it must be left in a place fit for living (ש"י שפ"ו ס"ג). Thus, the bread should not be left in a courtyard, small entryway structure [בית שער], foyer (שם), balcony, or the like, as these are not fit for living (אכסדרא). Similarly, it should not be left in a house's entrance hall, in a stairwell, or in a lobby, as these are not fit for living (פסקי תשובות ס"י שפ"ו אות ה').
13. Also, the room which the eiruv is left in must be at least four amos by four amos, the minimum to be called fit for living (ש"י שפ"ו שם).
14. **Shituf mevo'os.** When making a shituf mevo'os, it is not necessary for the eiruv to be left in a house fit for living. The eiruv bread can be left in a protected area in one of the courtyards, as it is joining courtyards, not houses (ש"י שפ"ו ס"א). Thus, it may also be placed in a room of a house that is not four amos by four amos, as it does not need to be fit for living (ש"י שפ"ו שם).

Leaving the Eiruv in Shul

15. There is an old minhag to leave the eiruv bread in a box hanging on the shul wall (רמ"א ס"י שפ"ו ס"ג) if the shul is within the surrounding walls or the area of the eiruv (מ"ב ס"ג, ש"י שפ"ו ס"ג). This makes the eiruv public knowledge, so that the children and amei ha'aretz do not forget about the concept of eiruvim and say, "Our ancestors did not make eiruvim" (לבוש ס"י). This is the minhag in the main beis medrash in the eiruv of Kiryat Belz, Yerushalayim.
16. **Questionable.** Some question this minhag of leaving the eiruv in shul. A shul is not fit for living, as, with the exception of people who learn in shul, we do not eat or sleep there. They therefore hold it is better to leave the bread in a regular house fit for living (שי"ת (חכם צבי ס"י ק"א, ש"י שפ"ו ס"ג ומשיב מהד"ג ח"ג ס"י קמ"ד).
17. **Justification.** The Rama already justified the minhag. In cities nowadays, we make shitufei mevo'os, as the houses usually open straight to the street without shared courtyards. A shituf mevo'os may be left in a courtyard; it does not need to be left in a place fit for living (above, 14) (רמ"א ס"י שפ"ו ס"ג). It may certainly be left in a beis medrash, where it is mutar to eat.
18. When a shituf mevo'os is made, even if it is in a spot not fit for living, it also accomplishes the effect of eiruvei chatzeiros and allows carrying from houses to courtyards. This is either because once it works to permit the courtyards in an alley, it also permits the houses in the courtyards (הגר"א הובא בביאה"ל ס"י שפ"ו ד"ה ונראה); or because when everyone joins together and the matter is well-known, there is no more need for the halacha of eiruvei chatzeiros – a shituf mevo'os accomplishes as much as, and more than, an eiruv chatzeiros (חזו"א ס"י צ' סקט"ז).

When to Make the Eiruv

19. **Every Shabbos.** The main institution of the eiruv is for there to be bread owned by everyone in a house within the enclosed area of the eiruv by the time Shabbos comes in at the end of bein hashemashos. Thus, technically one can make an eiruv with bread every week on Erev Shabbos or before Erev Shabbos and eat the bread on Shabbos. In fact, it is a mitzva to eat it on Shabbos since it was used for the mitzva of eiruv (רמ"א סי' שס"ח ס"ה). This is similar to what we do with eiruv tavshilin.
20. **Once a year.** An eiruv may also be made once a year, e.g., on Erev Pesach with kosher l'Pesach matzos, which will keep the eiruv valid during Pesach. Also, matza does not get moldy fast; it can be kept all year without getting moldy. This also minimizes the concern of forgetting to make an eiruv one week (רמ"א שם). This is the widespread minhag in all communities: the rav of the area arranges the eiruv each year on Erev Pesach. This was the minhag of mori v'rabi, the Gaavad of Yerushalayim, author of 'Shaarei Tuvia', every year when he was in Yerushalayim. The eiruv of the Eidah Chareidis was kept in his house.
21. Some are machmir to make another eiruv every Erev Shabbos even though the community rav makes an eiruv once a year with a bracha. They do this out of concern that perhaps the eiruv bread became ruined. However, they do not make a bracha on their personal eiruv since the city rav's eiruv already exists and was made with a bracha (מ"ב סי' שס"ח ס"א).

Bread Belonging to Everyone

Collect from Everyone

22. The halacha is that the eiruv bread must belong to everyone. One way to do this is to have everyone within the eiruv boundaries contribute a bit of flour and have one large loaf of bread made with that flour for the eiruv. This was the common minhag in Ashkenaz in earlier times (רמ"א סי' שס"ז ס"ו). Alternatively, everyone could give money to buy flour or bread (מ"ב שם סקמ"ב). This method was practical when the eiruv only enclosed a few houses or courtyards.

One Person Acquires for Everyone

23. Another way to have bread belonging to everyone is for someone to take his own bread which is fit and mutar to be eaten by everyone, and transfer ownership by having someone else make a kinyan on behalf of all the city residents (ש"ר סי' שס"ז ס"ט). This is the minhag today, especially in city eiruvim, for which it is impossible to collect from everyone. Even if people are not aware of this "transaction," a person is able to acquire bread on behalf of everyone in the city based on the halacha of "וכן לאדם שלא בפניו" (מ"ב סק"ג, וסקע"א).

Acquiring through Someone Else

24. The person who owns the bread cannot grant others ownership; he already owns it and cannot remove it from his ownership for others. It must be done by someone else acquiring it. Thus, he must give the bread to someone else and say, "Take this bread and acquire it for all the residents of the courtyard/city" (מ"ב סק"ג).
25. **Future residents.** When an eiruv is made once a year (above, 20), the bread must also be acquired on behalf of those who will live in the city in the future. When the acquisition is done through someone else, they must add the words, "... and acquire it for all the residents of the city, and also for anyone who will join from today and on" (ש"ר שם ס"ט). Some say that even if this was not said explicitly, it works since it is conditional upon what beis din has in mind ["לב בית דין מתנה" (שם)], and the minhag everywhere today is to make an eiruv once a year (מ"ב סק"ג).
26. **The one being zocheh.** The one who is acquiring the bread on behalf of others must lift up the bread a tefach (ש"ר שם). Since it is a d'rabanan halacha, we are meikel to only lift it a tefach and we do not require three tefachim (רמ"א חר"מ סי' קצ"ח ס"ד). Or it is because an eiruv does not require a full-fledged kinyan; it is just a zechus, done in such a way that another party cannot take it without his consent (בגמ"ב בהעמק שאלה מצוה קל"ב). Still, it is better to lift it up three tefachim to avoid any questions (ע"פ ביאה"ל שם ד"ה צריך).
27. **Acquiring through one's wife.** L'chatchila, one should not use his wife to acquire the eiruv for others, as the poskim argue whether a woman can acquire something from her husband for others (ש"ר שם ס"י). Nevertheless, b'dieved it works (ש"ר שם).
28. **Sons who are gedolim, ketanim.** L'chatchila, one should not use a katan son even if he is not financially dependent on his father or a gadol son who is financially dependent on his father to acquire the eiruv, as there is a machlokes whether one can use his son to acquire something for others (ש"ר שם). However, b'dieved one can rely on an acquisition done with ketanim sons who are not financially dependent on their father or gedolim sons even if they are financially dependent on their father (רמ"א שם, מ"ב ס"ק ס"ט).

Bracha on the Eiruv

29. A bracha is made upon setting up an eiruv with bread. The nusach is (ש"ר סי' שס"ז ס"ד) "אשר קדשנו במצותיו וצונו על מצות עירוב".

30. **Before or after kinyan?** Today we have another person acquire the bread on everyone's behalf (23). Some people make the bracha before the kinyan, i.e., they make the bracha, then do the kinyan with another person, then say the nusach of "בהדין עירובא וכו" (ש"ר סי' שס"ז ס"ו ומ"ב סקפ"ב).
31. Others first have someone else do the kinyan on the bread for the city residents, then they say a bracha on the eiruv and say the nusach of "ברין עירובא וכו" (פרישה, מור וקציעה סי' שס"ו). They have poskim to rely on (ביאה"ל שם ד"ה בשעה).
32. **Nusach of the eiruv.** Since all streets today have the status of a mavui [alley], the nusach said when the eiruv is made once a year includes both eiruvei chatzeiros and shitufeiv mevo'os. Without this, the eiruv is invalid (חזו"א א"ח סי' צ"א סקכ"ד).
33. This is the nusach: "בהדין עירובא יהא שרא לנא לאפוקי ולעילוי מן הבתים" "להצד ומחצר לבתים ומבית לבית ומחצר ומגג לגג ומבתים והחצרות למבוי וממבוי לכל הבתים והחצרות שבעיר הזו, לנו ולכל הדורים בעיר הזאת ולכל מי שיתוסף בה, לכל שבתות השנה ולכל ימים טובים."
34. **B'dieved.** Although l'chatchila we make a bracha and say the nusach, b'dieved the eiruv is kosher even if the bracha was not made and the nusach was not said at all, as long as ownership of the bread was transferred to everyone (ש"ר סי' שס"ז ס"ו ומ"ב סקפ"ד).

Neighborhood Eiruv

35. **No bracha.** Even when a city has an eiruv, some neighborhoods put up their own eiruvim with higher standards, including additional eiruvei chatzeiros just for them. Still, they do not make a bracha on the eiruv since the year-round eiruv exists and a bracha was said on that (above, 21) (ביאה"ל סי' שס"ז ס"ד ד"ה מברך). [The truth is, there are ways to be able to say a bracha on the neighborhood eiruv, but this is not the place to elaborate, and it is not for everyone.]
36. Similarly, when an eiruv is made for a single building to allow carrying between the apartments, no bracha should be made if the city has an existing eiruv.
37. **Nusach of the eiruv.** The nusach is also changed. Instead of saying "for us and all the residents of this city," they say, "for us and all the residents of this neighborhood" or "this courtyard" or "this building" (פסקי תשובות סי' שס"ז אות כ').

Amount of Bread

38. If an eiruv with bread is made for more than 18 people (כף החיים סי' כ"ח) or 18 houses (ח"י אדם כלל ע"ב ס"ח), there must be a volume of bread equivalent to 18 dried figs [גרוגרות] (ש"ר סי' שס"ח סק"ד), which is about the volume of six eggs (רמב"ם פ"א עירובין, סתם ש"ר שם) with their shells (מ"ב סק"א). Some say it is about eight eggs (ש"ר סי' ת"ט, י"א). L'chatchila, it should be eight eggs (מ"ב סק"ב).
39. In modern-day terms, a 500-gram challah for an eiruv is easily big enough to satisfy the machmir beitzah size. When an eiruv is made with matzos for all year, 400 grams of matzos easily satisfies all opinions l'chumra (פסקי תשובות סי' שס"ח אות א').

People Opposed to the Eiruv Who Renounce Their Share

40. In some communities, some people are opposed to making an eiruv. Still, the kinyan on the bread works, as we can assume they don't mind acquiring it so as not to make carrying assur for others. However, some people try to be clever and announce explicitly they do not want a share in the bread that is transferred to everyone. They think that in doing so, they make the eiruv posul for everyone and succeed in dictating the entire city to follow their opinion. True, at the same time they are causing masses of people to carry where there is no eiruv and commit issurim, but they don't care about that; their ratzon is the main thing to them, not Hashem's ...
41. However, they are mistaken, even about the halacha. The kinyan does not need to actually give them a share in the bread (26), the proof being that 18 גרוגרות is enough for tens of thousands of people, and not everyone needs a peruta's worth (38). The bread just needs to be available to everyone such that if they want, they have the right to take some of the eiruv bread (ש"ר עמק התשובה ח"ד סי' כ"א). This is certainly true when it is set up by the city beis din, which has the power of a beis din to be zocheh for everyone (שם). Thus, while these people might be successful in making it assur to carry in and out of their personal houses, they do not interfere with the city eiruv whatsoever (מור"ד בנתיבות שבת פ"ז, וע"ע ש"ר שואל ומשיב) (מהדו"ת ח"ב סי' ס"ב, שו"ת בית יצחק יו"ד ח"ב קונט"א סי' ח').
42. Today, we rent property in non-Jewish homes from the city authorities (Issue 320, par. 33). This works even for those who remove themselves from the tzibur and create themselves the status of a non-Jewish home (ש"ר האלק לך שלמה סי' קפ"ב, קצות השלחן סי' ק"ה ס"ד בבה"ש סק"ז).

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