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Digest
Mishna Berura
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Fri, Aug 16 2024 ■ י"ב אב תשפ"ד
סימן שמ"ה סעיף ז'

Halacha Highlight

Calculating 600,000

Shulchan Aruch Siman 345 Seif 7
שכל שאין ששים רבוא עוברים שם בכל יום
If 600,000 do not pass by on a daily basis

Shulchan Aruch enumerates the characteristics of a public domain. After doing so he mentions that there is an opinion that maintains that if the area does not have 600,000 people passing through the area each day, it is not considered a public domain. Mishnah Berurah (ס"ק כ"ג) explains that this opinion maintains that a public domain must resemble the encampment of the Jewish People in the wilderness even regarding this characteristic. Although in the wilderness there were more than 600,000 people since that number does not include women, children or the *erev rav*, nevertheless, since they are not mentioned explicitly, we use 600,000 as the defining characteristic of a public domain. Biur Halacha (ד"ה שאין ששים) references Ritva who explains that it is not necessary for 600,000 people to be in one street in order to be categorized as a public domain. As long as there are 600,000 in the city, the streets will be categorized as a public domain. Furthermore, even if the city does not have 600,000 residents but after adding the people who come from out of town there are 600,000, it is enough to consider the area a public domain.

Poskim debate whether people who travel through a city by train (or by car, if the inside of the car has the characteristics of a private domain) are counted towards the 600,000 that would make the streets into a public domain. Teshuvas Yeshuos Malko (או"ח סי' כ"ו-כ"ז) maintains that the people in the train cars do not count towards the 600,000. His reasoning is that those people are in a private domain rather than in a public domain and thus their presence is not counted. Pri Megadim (א"א סי' שס"ג סק"ל) implies that even the people in train cars count towards the 600,000, despite the fact that they are travelling in a private domain. Aruch HaShulchan (סע' כ"ו) also writes that train tracks are considered public domain if 600,000 people travel by train on a daily basis.

Overview

Siman 345 Seif 7:

What is a public domain? Streets and markets that are 16 *amos* wide and do not have a roof or a wall circumscribing it. If there is a wall that surrounds it but is open from one gate to another (and the gates are not locked at night)**, it is a public domain. Some maintain that if the area does not have 600,000 people going through it each day, it is not a public domain.**

- Roads that go from one city to another are public domains since people regularly travel on them. (M.B. 17)
- Meaning the gates are opposite one another. (M.B. 20)
- See *siman* 36a 4:6 for the *halacha* if one of the gates is locked at night. (M.B. 21)
- The wording implies that the potential to lock the gate at night is not sufficient which follows the first opinion in *siman* 364:2. (M.B. 22)
- Since Shulchan Aruch introduced this position with the words יש אומרים the implication is that we do subscribe to this position but nevertheless, we cannot protest against one who does follow this position since it does not represent the view of a single authority. A בעל נפש should adopt a stringent position. (M.B. 23)
- I searched through the authorities who subscribe to this position and could not find one that mentions this prerequisite and they merely mention that 600,000 people should be found in the area. (M.B. 24)