The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Feb 4 2025 ■ ו' שבט תשפ"ה
סימן שפ"ה סעיף א'-ד'

Overview

Siman 385 Seif 1:

A Tzeduki is treated the same as a Jew and may nullify his domain, but he cannot participate in an *eruv* since he does not recognize its effectiveness.

- Although he denies the validity of the Oral Law, nevertheless for this matter he is treated as a Jew and can nullify his domain. Many authorities write that if he publicly desecrates Shabbos he is categorized for this matter like a gentile. The practical application of this is Karaim who certainly violate Rabbinic injunctions publicly and consequently, they may not nullify their domain and one must lease space from them. (M.B. 1)
- Even if he contributed to the *eruv* it is ineffective and he prohibits until he nullifies his domain. If he does not recognize the effectiveness of an *eruv* he also may not contribute to the *eruv*. (M.B. 2)

Siman 385 Seif 2

A Kuti is treated the same as other gentiles and the only rectification is to lease space from him.

Siman 385 Seif 3:

A Jew who is a *mumar* for idolatry or is a public desecrator of Shabbos, even if violates only Rabbinic prohibitions, is treated like a gentile. If he desecrates Shabbos privately, even if he violates Biblical prohibitions, he is treated like a Jew and can nullify his domain.

- Shulchan Aruch refers to one who regularly desecrates Shabbos publicly, not one who did so only once. Publicly is in the presence of ten Jews or when ten Jews are aware of the desecration. One who intends to anger Hashem is treated like a gentile, even for other transgressions and even if they are not done publicly. (M.B. 4)
- Regarding the necessity to lease space, he is treated like a gentile but for other matters there are authorities who maintain that he is not categorized as a gentile for Rabbinic violations. (M.B. 5)
- If he is embarrassed to violate Shabbos in the presence of a great person it is considered as though his violations are done in private, even if they are done in the presence of others. (M.B. 6)

Siman 385 Seif 4:

If a Jew converted and had many houses in Jewish neighborhoods where they make the *eruv* for an entire year and there was no other entrance he prohibits for each Shabbos subsequent to his conversion. If there is an entrance to the gentile neighborhood, even if the entrance is small so that he was not accustomed to using it, we divert him to the entrance that leads to the gentile neighborhood.

- Each Shabbos is separate and once he converts, his portion of the *eruv* is considered non-existent and prohibits them until they lease space from him. (M.B. 7)
- The entrance must be at least four *tefachim* by four *tefachim*. (M.B. 10)
- We compel him to refrain from conducting himself like the people of Sedom so that he should not prohibit them. Additionally, since he converted it is clear that he prefers the entrance that leads to the gentiles. (M.B. 11)

Halacha Highlight

A Shabbos desecrator

Shulchan Aruch Siman 385 Seif 3

או לחלל שבתות בפרהסיא

Or to publicly desecrate Shabbos

Shulchan Aruch (סעי' ג') rules that a Jew that becomes an idolater or someone who publicly desecrates Shabbos, even if he only violates Rabbinic prohibitions, is treated like a gentile. In order to be categorized as one who publicly desecrates Shabbos it is necessary for him to regularly desecrate Shabbos, but if he desecrated Shabbos only once, even though it was done publicly, he is not treated as a public desecrator of Shabbos (מ"ב סק"ד). Mishnah Berurah (סק"ה) emphasizes that it is only for this *halacha* that he is treated as a gentile, and the consequence of this ruling is that he may no longer nullify his domain to others and it is necessary for the other residents to lease space from him. Shulchan Aruch continues and rules that if the Jew desecrates Shabbos only in private, even if he desecrates Biblical prohibitions, he is considered a Jew who may nullify his domain.

Mishnah Berurah (סק"ו) rules that if someone publicly desecrates Shabbos but out of humiliation refrains from doing so in the presence of a prominent person, he is categorized as a private desecrator of Shabbos rather than a public desecrator of Shabbos. Even though it is clear that the person under discussion would have no hesitancy to desecrate Shabbos in the presence of others and it is only due to the presence of the prominent person that he refrains, nevertheless, he remains classified a private desecrator of Shabbos (תוס' עירובין ס"ט. ד"ה כאן). Elya Rabba (סק"א) writes that although one who privately desecrates Shabbos is not categorized as a gentile, nevertheless, he may not join the *eruv* since he does not recognize its validity. The only option is for him to nullify his domain since there are authorities who maintain that leasing space from Jews is ineffective. Chazon Ish (או"ח סי' פ"ז ס"ק י"ג) disagrees and argues that someone who privately desecrates Shabbos may participate in an *eruv* if he desecrates Shabbos because he cannot resist some sort of temptation (לתאבון).