The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שצ"ב סעיף ב'-ה'

Overview

Siman 392 Seif 2:

If a public city has one entrance and a ladder elsewhere, they may make a single *eruv* and are not required to exclude an area since a ladder by the wall is not considered an entrance. Even if many ladders are aligned, one next to the other to the width of ten *amos*, it is not considered an entrance. If there are two entrances but there is a garbage heap blocking one of them, it is considered as though there is one single entrance.

- It should say, so that it is more ten *amos*. (M.B. 16)
- This is true regarding a public garbage heap that will not be cleared as opposed to a private heap. (M.B. 17)
- If the heap is cleared, it reverts back to its status as an entrance. (M.B. 18)

Siman 392 Seif 3:

Houses that are excluded do not have to open into the city; rather, if the back of the house faces the city and they open outside of the city, and even if (it is one house and even if) **it is a stable or house of straw that do not require an *eruv* they may be excluded so that they can make a *shituf* in the rest of the city.**

- One may have thought that since they could not have joined the *shituf* they cannot be the area that is excluded. (M.B. 19)

Siman 392 Seif 4:

If the entire city joined the *shituf* except one *mavoi*, they prohibit everyone but if they construct a mound by the entrance to the *mavoi*, they do not prohibit. Therefore, if a city belonged to an individual, even if it subsequently, became publicly owned, they may not make a *shituf* in halves. The *shituf* must either include everyone or must be done for each *mavoi* and each *mavoi* must construct a mound by their entrance if they wish to separate from the others so that they should not prohibit the other *mevo'os*.

- Shulchan Aruch refers to a city that was originally owned by an individual and is teaching that by separating from the others they prohibit the others. (M.B. 21)
- It is sufficient if the mound is four *tefachim* tall and according to some it must be four *tefachim* wide. (M.B. 22)
- They must be careful to avoid dividing the *shituf* into two parts. Authorities write that dividing a *mavoi* in half is more stringent than separating one *mavoi* from another but if they construct a partition ten *tefachim* tall it is effective, even if the width of the *mavoi* was not wider than ten *amos*. (M.B. 24)
- They could also separate by constructing a *tzuras hapesach* at the entrance to each *mavoi*. (M.B. 26)

Halacha Highlight

Excluding a stable from the city *eruv*

Shulchan Aruch Siman 392 Seif 3
בית הבקר או בית התבן
A stable or a straw storage facility

Shulchan Aruch (סעי' ג) writes that the area that one excludes from the *eruv* could even be a house that does not open into the city. For example, if there is a house whose back faces the city but the entrance to the house faces outwards, it nevertheless, satisfies the requirement to exclude some area from the *eruv*. Similarly, it is acceptable to exclude a stable or straw storage facility from the city *eruv* even though those structures are not required to join the *eruv* in the first place. Mishnah Berurah (ס"ק י"ט) explains regarding the house that faces away from the city that one may have thought that since if he wanted to join the city *shituf* he would not be able to do so, his residence should also not be considered a part of the city so that it could be the excluded area. Therefore, Shulchan Aruch emphasizes that such a house may be considered part of the excluded area.

Sefer Atzei Almogim (סק"ט) suggests a rationale why a stable could be considered the excluded area even though it would not prohibit had it not been included in the *eruv*. He explains that although the stable or straw storage facility does not prohibit transporting, nevertheless, it is prohibited to transport objects into these domains. Since it is prohibited to transport objects into these domains which is different than other areas of the city, it will be discernable that these structures are excluded from the rest of the city. Chazon Ish (או"ח סי' צ"ה ס"ק י"ד) maintains that one should not rely on excluding a stable or straw storage facility and one should adopt the stringent view of Rambam that a yard that contains a residential structure must be the area that is excluded. He also expresses uncertainty whether it is necessary for people to dwell in that excluded area or it is sufficient for the area to be inhabited.

Siman 392 Seif 5:

When is there restriction against making a *shituf* in parts? Only regarding a city that is enclosed by a wall that is ten *tefachim* that contains doors. If the city does not have suitable walls and people will have to make part of it suitable for transporting and then make a *shituf*, they may do so.

- The same is true if it is not technically a public domain, e.g., the streets are not 16 *amos* wide or if the public domain does not extend from one end of the city to the other and is permitted with a *tzuras hapesach*. Therefore, since the city was permitted with such walls, the *shituf* should not be divided into parts. (M.B. 27)
- They will make part of the city suitable with walls and then a *shituf* will be made and the remainder will be left without any repair. (M.B. 28)