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

Overview

Siman 392 Seif 6:

That which was discussed that an *eruv* cannot be made in parts, that means that a *lechi* and *korah* are not effective for separating from one another but if one uses a board that is four *tefachim* or two boards of minimum width, two groups can separate and make a separate *shituf* in each half. If the area is wider than ten *amos* it is necessary to construct a *tzuras hapesach*. Alternatively, they may construct a partition ten *tefachim* tall by the entrance of the *mavoi*. Some maintain that a city that belongs to an individual cannot be divided lengthwise since the residents on both sides must walk on the public domain but if they want to divide widthwise so that one group uses one entrance and the other group the other entrance and they will not share the same domain, they may make separate *shitufin* and repairs. This was discussed above in *siman* 363 that until ten *amos* it is sufficient to use a *lechi* or *korah* and if it is wider than ten *amos* it is necessary to have a *tzuras hapesach*.

- Shulchan Aruch refers to dividing the city into parts so that each *mavoi* makes its own *shituf* and does not refer to dividing a *mavoi* into different parts. (M.B. 29)
- Magen Avrohom asserts that when dividing the *mavoi* into parts, it is necessary to use a board that is four *tefachim* or two minimum sized boards on each side even if the area is not ten *tefachim wide*. (M.B. 32)

Siman 392 Seif 7:

If there was a public city that lost residents and has only fifty remaining citizens does not have exclude an area.

- When there are so few residents, people will have forgotten it was a public city. (M.B. 33)

Siman 392 Seif 8:

One who will convey ownership of the *shituf* to the other residents is not required to inform them if they all joined one *eruv* since it is beneficial to them. The *halacha* of one who forgot to join the city *shituf*, one who will spend Shabbos in another city or if a gentile resides in the city is the same as it was concerning a yard and a *mavoi*.

- This excludes when they made two *eruvin* thereby demonstrating that they do not wish to merge together. (M.B. 34)

Halacha Highlight

Residents of a *mavoi* separating from the rest of the city

Shulchan Aruch Siman 392 Seif 6

ומערבין לחצאין

And they may make an *eruv* in parts

Shulchan Aruch (סעי' ו') continues to discuss making multiple *shitufei mevo'os* in a city and clarifies that the restriction is limited to using a *lechi* or *korah,* but if the residents of a *mavoi* want to use a board that is four *amos* wide or even two boards regardless of their width, they could separate from the others. Mishnah Berurah (סי"ק כ"ט) clarifies that Shulchan Aruch refers to where residents of different *mevo'os* wish to make separate *mevo'os* and he does not refer to dividing the city into two parts since that issue is addressed by the Rema. Bais Meir questions this ruling. The ruling implies that if the residents of a *mavoi* wish to separate from the public domain that runs from one end of the city to the other, it is sufficient for them to use, for example, a board that is four *tefachim* wide for that purpose. The difficulty is that a yard does not effectively separate from the *mavoi* by constructing a *tzuras hapesach* at the entrance since they have rights of passage through that *mavoi*. Seemingly, the same restriction should apply in this case as well and we should say that the residents of the *mavoi* cannot withdraw from the public domain that runs through the city since they have rights of passage on that street.

He answers that the two cases are different from one another. When addressing residents of a yard who wish to separate from the *mavoi* the issue is whether the residents of the yard prohibit the other residents of the *mavoi*. In that circumstance making a *tzuras hapesach* is not sufficient to separate from the *mavoi* since they maintain they rights of passage through the *mavoi* and thus prohibit. In our case the question is whether the other residents of the *mavoi* (meaning the connecting *mevo'os* in an enclosed city) prohibit the residents of this particular *mavoi* since they did not join the city *shituf* which they regularly do. Regarding this matter, as long as the residents of this *mavoi* make some sort of separation, indicating that they are not with the other residents in town, it is effective.