מהדורת משפחת ברייטמן
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תמצית ערוך השולחן

TAMTZIS ARUCH HASHULCHAN

A Concise Summary of the Dinim of the Aruch HaShulchan

ORACH CHAIM · VOLUME II · SIMANIM 320–697

Domains & Carrying ◆ Eruvin ◆ Shabbos Prayer & Meals ◆ Pesach
Yom Tov ◆ Rosh Hashanah ◆ Yom Kippur ◆ Sukkah & Lulav
Chanukah ◆ Purim

Concise practical rulings, with source references and explanatory notes from the Mishnah Berurah and later authorities

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דבורה בת זוסיע ז״ל

דוב צבי בן יעקב הלוי ז״ל

משה אהרן ורעיתו פייגל ברייטמן

In everlasting memory of our dear parents

Devorah bas Zusya · Dov Tzvi ben Yaakov HaLevi

Dedicated by Moshe Aharon and Faigie Braitman

publicized; mere reliance does not accomplish this. (AH §15)

A *lechi* drawn along the *mavoi*'s length, whose edge covers only part of the wall's thickness, is judged a *mavoi* and loses *lechi* status if four *amos* wide, even if set up as a *lechi*; if less than four *amos* it is judged a *lechi*. (AH §16; *Tosafos Eruvin* 5b)

- One may use only up to its inner edge, since beyond that there is no opposing wall. (AH §16)

The Korah and Its Basic Measure

Another *tikkun* for a *mavoi* is to place a *korah* upon it; a *lechi* serves as a partition, and a *korah* as a recognizable feature. (AH §17; *Eruvin* 12b)

The *korah* must be placed to permit the *mavoi*; if not made for that purpose, it is invalid even if relied upon from before *Shabbos*. (AH §18)

The *korah* must be a *tefach* wide. Therefore, one made of wood of an *asheirah* is invalid, since it stands to be burned. (AH §18)

Its width is a *tefach* and its thickness may be minimal, provided it is sturdy enough to hold an *ariach* — half a brick of three *tefachim* — along its whole length. (AH §19; Rashi *Eruvin* 13b)

If the *korah* is four *tefachim* wide, it need not be able to hold an *ariach*, since we say "the edge of the ceiling descends and closes" and it is a full partition. (AH §19)

- When four *tefachim* wide it need not be made for the purpose, and perhaps needs no prior reliance either; but reliance from before *Shabbos* does appear to be required. (AH §19)[364]

Supporting the Korah

If it is hard to rest the *korah* directly, one may place it on pegs projecting from the wall, even though they are not a *tefach* wide, provided they are less than three *tefachim* long, so by *lavud* it is as if resting on the walls. (AH §20)

The supports need only be sturdy enough to hold the *korah* itself. (AH §20)

- Some say they must be able to hold the *korah* and the *ariach*, for otherwise the *korah* itself is not like a fixture. (AH §20)[365]

A *korah* of straw or reeds is invalid; though it could hold an *ariach*, being soft and thin it can be crushed. (AH §20; Tur)

The *korah* must be within the walls of the *mavoi*; one may not set up supports outside the *mavoi* and rest it upon them, even if its other edge touches the *mavoi*'s walls, for then it is no recognizable feature. (AH §21; Ritva *Eruvin* 8b)

Round, Curved, and Distant Korah

A round *korah* must have a circumference of three *tefachim*, so that its width is a *tefach*. (AH §22; *Eruvin* 14a)

If the *korah* is curved — its curve leaning outside the *mavoi*, or rising above twenty *amos*, or dropping below ten *tefachim* — we view it as if the curve were removed; if the gap is then less than three *tefachim* it is valid by *lavud*, otherwise invalid. (AH §23)

A *korah* distant from the walls by less than three *tefachim* is valid by *lavud*, since it is within the walls. (AH §24; Magen Avraham)

Likewise if it projects from one wall and stops short of the other by less than three *tefachim* — resting on posts — it is valid; and two *korahs* meeting in the middle with less than three between them are valid, but with three between them invalid. (AH §24)

Two Korahs Together

Lechatchilah there should be one *korah* a *tefach* wide. (AH §25)

If one placed two *korahs* side by side, each half a *tefach*, and together they can hold an *ariach* across — even slightly apart, so long as less than three *tefachim* between them — no further *korah* is needed. (AH §25)

- Some say *lavud* is not applied here; the two must be within a *tefach* of each other, and if more than a *tefach* apart they are invalid, and even many such *korahs* more than a *tefach* apart accomplish nothing, since there is no *korah* to hold an *ariach*. (AH §25)

According to the first view validating two *korahs* within three *tefachim*, even if one is higher and one lower — with less than three between them in height and in span — we view the upper as if below and the lower as if above, provided the upper is not above twenty *amos* and the lower not below ten *tefachim*. (AH §26)

- The dissenting view invalidates this too, validating only within a *tefach*. (AH §26; Tur)

A Covering or Thick Korah

If one spread a mat over the *korah* and it does not reach the ground: if the mat is not three *tefachim* off the ground the *mavoi* is valid, for though the *korah* is now covered there is a partition of the mat; if it is three *tefachim* off the ground it is invalid, for there is neither *korah* nor valid partition. (AH §27)

- Even if it is not three *tefachim* off the ground, one must

Notes

364. see *Mishnah Berurah* 54, citing the *Pri Megadim* who holds that even a *korah* four *tefachim* wide that was not made for the purpose is invalid.

365. see *Mishnah Berurah* 62, that *lechatchilah* it is proper to be stringent like the first view requiring the supports hold *korah* and *ariach*.

see that it does not sway in the wind. (AH §27)[366]

Though a *korah*'s thickness has no set measure, if it is ten *tefachim* thick the Rashba invalidates it, since having a partition's measure it loses *korah* status, like a covered mat, and no partition is present since it is not within three *tefachim* of the ground. (AH §28; Rashba)[367]

- The Rosh disagrees, since it is not covered like a mat, and a long *korah* does not lose *korah* status merely for its size. (AH §28; Rosh, ch. 1 §18)

The version stating the thick *korah* extends below ten *tefachim* is not to be taken literally; it means it is not exactly ten, for the Rashba would not invalidate merely on account of exact measure. (AH §29)

- One interpretation reads it as also including where the lower edge is below ten *tefachim* from the ground — where any *korah* below ten is normally invalid but here valid, disregarding the lower portion. (AH §29; Taz)

But in truth a *korah* extending below ten *tefachim* from the ground is invalid, for below one needs ten fully clear *tefachim*, just as a *mavoi* requires good passage. (AH §30; *Sukkah* 4a)

Bent Pegs and Double Lavud

If one drove two bent pegs into the *mavoi*'s walls, their curve leaning inward, and rested the *korah* upon them, the pegs lacking a *tefach* width: if the pegs are not three *tefachim* above the walls and their curve does not extend three *tefachim* — so the *korah* is not three distant in span or in height — it is valid, by two forms of *lavud* at once; if more than three, invalid. (AH §31; *Tosafos Eruvin* 9a)

Generous Versus Precise Measures

The *tefach* and *amah* measures come in precise and generous forms, differing half a fingerbreadth per *amah*. (AH §32; Rambam, Hilchos *Shabbos*, ch. 17)

One goes with the stringency: the *mavoi*'s length of four *amos* is measured generously, its height of twenty *amos* precisely, and the width of the breach of ten *amos* precisely. (AH §32)

Whether Measurements Are Generous or Precise

On the dispute whether the halachic *amos* are always generous (*meruvachos*) or precise (*metzumtzamos*): most *poskim* rule that each case follows its own stringency, (AH §33)[368] while others hold that all *amos* of *kilayim* are always generous and all *amos* of *sukkah* and *mavoi* are always precise, following the majority of cases in each area. (AH §33)

In practice it appears there is no doubt at all: at Sinai both generous and precise measurements were declared valid everywhere, since the *Torah* was not given to ministering angels and human measurements cannot all be uniform. (AH §34)

- A person always measures with his own hand, and where it benefits him — as with the four *amos* for carrying on *Shabbos* and the *Shabbos* boundary — he measures generously. (AH §34)
- In a *mavoi*, which serves the public and cannot be set to one individual's measure, the Sages ruled to measure stringently, since for some people that is their true measure. (AH §34)
- The Rif omitted this matter entirely, since by the fundamental law both measurements are valid. (AH §34)

Within a single *mavoi*, the *Aruch HaShulchan* tentatively suggests that even according to those who assess each case individually, the measurement might have to be done in only one manner — either all precise or all generous — but he leaves the question unresolved. (AH §35)

The Shape and Minimum Dimensions of a Mavoi

A **mavoi (*mavoi*)** must be longer than it is wide; a courtyard must be roughly square. (AH §36; *Eruvin* 12b)

A *mavoi* whose length equals its width has the law of a courtyard; a courtyard whose length exceeds its width is judged as a *mavoi*. (AH §36; *Eruvin* 12b)

A *mavoi* must be at least four *amos* long; there is no such minimum for a courtyard. (AH §36; *Eruvin* 5a)

As for its width, it may be even less — down to four *tefachim*, or even three. (AH §36)

Conditions for a Mavoi Permitted by Lechi or Korah

For a *mavoi* to be permitted by a *lechi* or *korah*, its side walls must not be lower than ten *tefachim*, the open fourth side must not be wider than ten *amos*, and its length must be at least four *amos*. (AH §37)

If permitted by a *lechi*, there is no limit to the height of the walls, since the *heker* is below at ground level. (AH §37)

Notes

366. see *Igros Moshe* OC 5:40:2, who rules that for Shabbos a sheet partition tied both above and below remains a valid *mechitzah* even though the wind sways it (the stringency of a swaying wall being unique to *sukkah* walls), but a *tzuras hapesach* whose upper cord is blown even slightly off the two side reeds is invalid.

367. see *Mishnah Berurah* 82, who understands the *Shulchan Aruch* to mean the thick *korah* extends slightly below ten but rules that if any part actually enters the lower ten *tefachim* it is invalid.

368. see *Mishnah Berurah* 89, that regarding measures one always follows the stringency — generous for the ten-*amah* breach and precise for the four-*amah* length.

If permitted by a *korah*, the airspace beneath the *korah* may not exceed twenty *amos*; a *mavoi* higher than twenty *amos* is invalid, since above twenty *amos* the eye does not notice the *korah*. (AH §37)

- It is the *mavoi*'s airspace that is measured, so the *korah* itself may sit at the end of the twenty *amos* and above. (AH §37; *Eruvin* 3b)

If one of these conditions is lacking, the *mavoi* is not permitted by *lechi* or *korah* but only by a *tzuras hapesach*, which is effective for everything, being nearly a full partition. (AH §37; Rambam, Hilchos *Shabbos*, ch. 17)[369]

Remedies for a Mavoi Higher Than Twenty Amos

If the *korah* is above twenty *amos*, one may attach to it an *amlasra* — protruding decorations that draw everyone's attention — and it is valid. (AH §38)

- It requires specifically protruding decorations, such as of wood; a mere plaster design does not suffice. (AH §38)

Alternatively, one may raise the ground beneath the *korah* until the space to the *korah* is no more than twenty *amos*; the raised structure must be at least a *tefach* wide, like the *korah*. (AH §39; Rambam, Hilchos *Shabbos*, ch. 17)

- It appears specifically a wooden or stone *korah* is required for this; some say earth also works, but one must ensure it is not trodden down below the required measure. (AH §39; Magen Avraham)

If the *mavoi* is not ten *tefachim* high, and one hollows out the ground to complete ten, he must hollow four *amos* along the length of the *mavoi* across its full width, since these serve as walls; a *tefach* does not suffice here. (AH §39; Rashi *Eruvin* 5a)

- Even if the hollow is set back less than three *tefachim* from the wall, it is valid. (AH §39)

The Requirement of *Batim* and *Chatzeiros*

A *mavoi* is not permitted by *lechi* or *korah* unless houses and courtyards open into it — two courtyards to the *mavoi* and two houses to each courtyard. (AH §40; Magen Avraham; Rashba)[370]

Each of these openings of the courtyards and houses must be no less than four *tefachim*. (AH §40)

The residents there must actually require an *eiruv* — for instance, they eat there, since the place of eating determines the *eiruv*. (AH §40; Siman 370)

Some require that the *eiruv* specifically pass through the *mavoi*, which applies when the courtyards do not open into one another; the Rosh, Tur, and Mordechai permit even when they open into one another and the *eiruv* passes through the courtyards. (AH §40; Rosh, Tur, Mordechai)

All agree the residents of the two courtyards and their houses need not be Jews; even if one side is non-Jews and the other Jews it is permitted, since the usage exists. (AH §40)

If no houses and courtyards open into it, it has the law of a courtyard and requires a *pas* of four or two *pasin*, as does a *mavoi* lacking any of the earlier conditions. (AH §40)

A Mavoi With a Narrow Opening

A *mavoi* whose opening is not three *tefachim* wide — even though its interior is much wider but it narrows at the fourth wall — needs no remedy, being considered closed rather than an open side. (AH §41; Rambam)[371]

- Some hold that up to four *tefachim* it needs nothing. (AH §41; Raavad, Rosh, Tur)
- According to the first view, a courtyard is likewise; according to the second view, a courtyard with less than four *tefachim* still requires a remedy. (AH §41; *Eruvin* 12a)

A Courtyard Judged as a Mavoi

A courtyard whose length exceeds its width is judged as a *mavoi* and is permitted by a *lechi* or *korah*. (AH §42; Rambam, Tur, SA §27)

Even though no houses and courtyards open into it, since it is not close to the public domain but opens into a *mavoi* which opens to the public domain, the stringency requiring *batim* and *chatzeiros* — imposed only because the *mavoi* is near the public domain — does not apply to it. (AH §42; Rema; *Tosafos Eruvin* 12b)

There is no minimum for how much its length exceeds its width; even slightly longer counts as exceeding. (AH §42; *Eruvin* 7a)

Contemporary Practice: *Tzuras HaPesach* for *Mavo'os*

Nowadays the custom is to remedy all *mavo'os* with a *tzuras hapesach*, since all our *mavo'os* have the law of courtyards. (AH §43; Rema §26)

The widespread custom in these lands is to remedy by a rope tied across the width of the *mavoi*; the rope is not a *korah*, since it lacks a *tefach* width, and works only as a *tzuras hape-*

Notes

369. see *Mishnah Berurah* 93, that many later authorities hold a *tzuras hapesach* does not help where the *mavoi*'s airspace is under ten *tefachim*, since even a full partition does not help below ten.

370. see *Mishnah Berurah* 103, that since the requirement of *batim* and *chatzeiros* is only Rabbinic, we follow the lenient view that even courtyards opening into one another suffice.

371. see *Mishnah Berurah* 117, that even according to the stringent view requiring a remedy at three *tefachim*, this is only where the interior was four *tefachim* wide but narrows at the opening, and where the whole is under four *tefachim* all agree it is lenient.

sach, which is effective above even with reeds. (AH §43; Rema §26)

- One must therefore set beneath the rope two reeds ten *tefachim* high aligned directly under it; then it works even in a *mavoi* open at both ends, or in a courtyard, and anywhere a *tzuras hapesach* is effective. (AH §43; Siman 362)

The configuration of streets in the time of the Rema and earlier generations was already unlike that of the Talmud, so they ruled our streets lack the law of a *mavoi* and are treated stringently as courtyards, requiring a *tzuras hapesach*. (AH §44)

- Some held their cities were all walled and 'settled and then surrounded,' so if the opening is not ten *amos* or wider, two *pasin* suffice as for a courtyard. (AH §44)
- Others held that even unwalled they have the law of a courtyard but still require a *tzuras hapesach*, even for less than ten *amos*. (AH §44; Magen Avraham)

Nowadays in our lands, where Jews are dispersed throughout the city and there are only houses and courtyards opening to the public domain — and in Lithuania many houses have no courtyard at all — most of our streets are wider than ten *amos*, so *tzuros hapesach* must be made at all the corners. (AH §45)

- Where the smallest street at the city's edge is less than ten *amos*, two *pasin* are needed, since we have no *mavoi*; the reed of the *tzuras hapesach* serves as one *pas* and a second *pas* is set opposite it by the houses. (AH §45)
- At any breach to outside the city: if wider than ten *amos*, a *tzuras hapesach* is required; if less than ten, two *pasin* suffice. (AH §45)
- Ten *amos* equals two and a half *sazhen* by the Russian measure. All of this rests on the premise that we have no true public domain. (AH §45; Siman 345)

Practical Details of the *Tzuras HaPesach*'s Side Posts

For a *tzuras hapesach*, the reed on top need not touch the reeds at its sides. (AH §46)

If protrusions extend from walls that are ten *tefachim* high and are not three *tefachim* off the ground, one may rely on them for the side reeds of the *tzuras hapesach* or for *pasin* where less than ten *amos*. (AH §46)

The reeds used for garden fences are fit for *pasin* and for the sides of a *tzuras hapesach*; the upper reed should be stretched directly opposite the protrusions or reeds, so it is not off to the side. (AH §46)

When stretching the upper reed over a building's roof opposite the side reeds, some say one must ensure the roof's overhang does not project beneath the upper reed, lest the overhang interpose between the top and the sides. (AH §46; Taz)

- Others disagree and permit, bringing proof from an arch where the curve interposes between the top and sides yet it is permitted. (AH §46; *Eruvin* 11b)
- To satisfy the first view, one may bore a hole in the overhang opposite the side reeds so they align directly beneath the upper reed without interruption. (AH §46; Taz)

A Mavoi Bordering a Sea, Refuse Heap, or River

A *mavoi* one side of which ends at the sea and the other at a public refuse heap needs no remedy, since a public refuse heap is not likely to be cleared and we do not fear the sea will recede to form a silt bank. (AH §47; Beis Yosef §29)[372]

- Some disagree and hold we do fear the sea will form a silt bank, leaving no partition. (AH §47; Rema)[373]
- If a slope remains at the former shoreline that rises ten within four, that itself is a partition. (AH §47; Taz)

Some forbid even where there is such a slope, lest people carry to the shore as they were accustomed, where it is a *karmelis* even with partitions from the sea, since it was not enclosed for dwelling; there even a *tzuras hapesach* does not suffice, only a full partition — and this is an excessive stringency. (AH §47; Magen Avraham)[374]

We fear silt banks only with the sea and not with rivers, but the riverbank must be right at the head of the *mavoi*; if distant, that breach needs a remedy — *pasin* if less than ten, a *tzuras hapesach* if more. (AH §47; Magen Avraham)

Rivers that tend to dry up in summer are forbidden; if the bank rises ten within four it is permitted, and where there are bridges a *tzuras hapesach* is needed if wider than ten, two *pasin* if less. (AH §47)

Frozen Rivers and 'Rabbim Nullifying a Partition'

In winter, when rivers freeze, the partition is certainly nullified, since people walk on it as on the ground; in summer it is permitted. (AH §48)

Notes

372. see *Mishnah Berurah* 118, that many *Acharonim* hold the sea-side partition is not nullified even where ships pass through to a harbor, and that a bridge over a river at the *mavoi*'s end does nullify the partition.

373. see *Mishnah Berurah* 121, that the *Acharonim* concur to be stringent that the sea forms a silt bank, and add that a drying river likewise requires a remedy even before it dries.

374. see *Igros Moshe* OC 1:139, who ruled that the retaining wall ringing Manhattan, rising ten *tefachim* from the water's surface, is a full partition and is even *mukaf l'dirah*, since people walk, sit, and rest their children there.

- Some wished to forbid even in summer on account of the winter freezing; many disagree, and the essential law is that in winter it is forbidden and in summer permitted. (AH §48; Taz)

In winter, beyond nullification of the partition itself, since there is public passage we say *rabbim* come and nullify the partition; *Tosafos* hold that even a partition made by Heaven can be nullified by the *rabbim*. (AH §48; *Tosafos Eruvin* 22b)

The sea itself is a valid partition even though ships pass through it, since ships — unlike public foot traffic — do not nullify a partition. (AH §48; Magen Avraham, Siman 345)

- Some explain that *Tosafos* means only that such a partition is not full enough to permit more than two *sa'ah*, since it is not 'enclosed for dwelling.' (AH §48; Knesses Yechezkel)
- Some say that where the passage is not comfortable we do not apply *rabbim* nullifying a partition. (AH §48; Chasam Sofer §189)

Even taking *Tosafos* at face value, with a single partition all agree we do not say *rabbim* nullify it, even a partition made by Heaven. (AH §49; *Tosafos Eruvin* 22a; Baal HaMaor)

We say *rabbim* nullify a partition only in a *mavoi* open to a true public domain, not one open to a *karmelis*; and since nowadays we hold there is no true public domain, there is no concern of *rabbim* nullifying a partition among us. (AH §50; Rabbeinu Yehonasan; *Eruvin* 6a, 22b)

Placing the Lechi or Korah Off-Center

A *mavoi* one side of which is long and the other short — the *korah* is placed opposite the short wall, not on the long side, and not diagonally. (AH §51)

- One may not place it diagonally and use up to each wall's extent, since a *korah* is for a *heker* and diagonally there is no *heker*. (AH §51)
- Even with two *lechis*, one by the long wall and one by the short, it is forbidden, since a *lechi* too requires a *heker*; some permit with two *lechis*. (AH §51; Bach; Magen Avraham)[375]

With a *tzuras hapesach* it is certainly permitted to run it diagonally and use each side to its full extent, since it is like a full partition. (AH §51)

Within the *mavoi* itself one may place the *korah* diagonally if he wishes and use up to each end of the *korah*, since there is a wall opposite a wall, giving a *heker* even diagonally. (AH §51)

A Lechi or Korah in the Middle of the Mavoi

If one placed a *lechi* in the middle of the *mavoi*, and beyond it toward the opening there are courtyards with their own *lechi* at the opening — the inner *lechi* does not divide the *mavoi* into two so that each group makes its own *eiruv*; they forbid one another until they make a joint *eiruv*, since 'a *lechi* is a partition' only to complete the fourth side, not to fully separate. (AH §52)

If there is no courtyard at all beyond the inner *lechi*, one may carry only up to the inner *lechi* and no further, since they revealed that they treated it as the main one. (AH §52)

- Even if they set another *lechi* at the *mavoi*'s end, unless they uprooted or explicitly nullified the first, we may not assume they relied on the outer one. (AH §52)

If there are houses beyond the inner *lechi* and no *lechi* was set at the *mavoi*'s end, those houses are forbidden to carry for lack of a *lechi*, but they do not forbid the inner residents; the inner residents may carry from the *lechi* inward if they made an *eiruv*, since those who made no *lechi* are as though withdrawn from the *mavoi*. (AH §53; Siman 378)

The same applies to a *korah*: one may place it in the middle and carry only up to it; if there are residents beyond and a *korah* was also placed at the end, they forbid one another until a joint *eiruv*; if not, those beyond are withdrawn and the inner make their own *eiruv*. (AH §55)

- All this applies only where that half of the *mavoi* has the full law of a *mavoi* — longer than wide, at least four *amos*, with houses and courtyards opening into it; otherwise it has the law of a courtyard needing a *pas* of four or two *pasin*. (AH §55)

Dividing a Mavoi or Courtyard by an Extra Remedy

If they made in the middle of the *mavoi* two *pasin* on both sides, or a *pas* of four on one side, or (where over ten *amos*) a *tzuras hapesach* — even if there are courtyards outward that also made a *lechi* or *korah* at the head — they are divided from one another, each half making its own *eiruv* and not forbidding the other, since by adding beyond the necessary remedy their intent to fully separate is shown. (AH §54; Taz; Siman 392)

Likewise, one courtyard with many houses whose residents wish to separate — each half making its own *eiruv* — must make an addition beyond its necessary remedy: since the necessary remedy is a *pas* of four or two *pasin*, they must now make two *pasin* of four each or a *tzuras hapesach*. (AH §56)

Notes

375. see *Mishnah Berurah* 125, that even two lechis do not permit diagonal use, so one must set the two lechis directly opposite each other and not on a slant.

In our cities, enclosed by *tzuras hapesach* on every side, there is nothing to divide them, since the *tzuras hapesach* is the necessary remedy; to separate they must make a full partition, or a *tzuras hapesach* at a breach of less than ten (which is not the necessary remedy there). (AH §56; Magen Avraham)

- It is possible that even at more than ten they may divide by a *tzuras hapesach*, since it is like a full partition — though this requires further consideration. (AH §56)

A Mavoi Twenty Amos Wide at Its Opening

A *mavoi* twenty *amos* wide at its opening that one wishes to divide in two so each is under ten — it does not help to divide it with a reed or partition, even four *tefachim* wide, since 'the airspace on each side comes and nullifies it.' (AH §57)[376]

Rather he makes a *pas* ten *tefachim* high extending four *amos* along the length of the *mavoi*; since it has a *mavoi*'s length the airspaces do not nullify it, even though each flanking airspace is larger than it. (AH §57; *Eruvin* 10a)

- With full partitions we never say the airspaces nullify, since partitions are a *halacha* to Moshe at Sinai in their entirety and details; only a break between one partition and another is nullified by the airspaces. (AH §57; Rashba)
- Each resulting half must therefore have the full law of a *mavoi*, with houses and courtyards opening into it and all *mavoi* conditions. (AH §57)
- If permitted by *lechi*, a *lechi* is placed in each; if by *korah*, one twenty-*amah korah* may span both, provided it is not three *tefachim* from the dividing *pas*, which counts as a partition for each. (AH §57)

The Status of the Divided Mavoi as a Crooked Mavoi

The stretch from the *pas* to the middle wall of the *mavoi* has the law of a **crooked *mavoi* (*mavoi akum*)**, since these two *mavo'os* bend and open at their two ends to the public domain. (AH §58; *Tosafos*, Rosh, Tur, SA §33)

- This applies where the *pas* is four *amos* but the *mavoi* is longer, so it divides only up to the end of the four *amos*; if the residents beyond also want the *eiruv*, it is like a crooked *mavoi* requiring a *tzuras hapesach* at the bend and a *lechi* or *korah* on the other side. (AH §58)

Some hold it has no law of a crooked *mavoi* at all, since a crooked *mavoi* exists only where there are two sides of the public domain, as east and south; where both ends are on one side, as here, there is nothing to it. (AH §59; Ritzva in *Tosafos*)[377]

- The Rema holds that even according to the first view this applies only where there are more than ten *amos* from the *pas* to the middle wall; at ten, and certainly less, it is merely an opening. (AH §59; Rema §33)

The Ritva disagrees with all the foregoing, holding the *pas* does not make it into two *mavo'os* at all but only reduces the width below ten; it remains one *mavoi* and one *lechi* suffices, and the *korah* may be much higher than the *pas*, since the *pas* is not among the partitions. (AH §60; Ritva)

- The Raavad, following *Tosafos* and the Rosh that it is divided into two *mavo'os*, requires the *korah* not be three *tefachim* above the *pas*. (AH §60; Raavad, Rosh)

Another Remedy for a Twenty-Amah Mavoi

Another remedy for a *mavoi* twenty *amos* wide: set back two *amos* from the wall and make a *pas* three *amos* wide, do the same on the other side, leaving an opening ten *amos* wide. (AH §61)

A separate *lechi* is required, since these *pasin* are set back from the wall and a *lechi* must not be three *tefachim* from the wall. (AH §61)

One may likewise make several smaller *pasin* with gaps, provided the *pas* is larger than the gap between the wall and the *pas*, lest the two airspaces come and nullify it; since against each single airspace it is stronger, they do not combine to nullify it. (AH §61)

This *pas* need not be one board; even reeds each less than three *tefachim* apart suffice, since less than three is *lavud* and considered whole. (AH §62)

- One must take care not to leave the large opening and walk through the small ones, for then the *mavoi*'s remedy and its *lechi* are voided. (AH §62; Rashi *Eruvin* 10b)[378]
- The Ritva holds that if permitted by a *korah* stretching wall to wall, it does not matter where they walk; but where the *korah* reaches only the *pas* set back from the wall and the two free *amos* have no *korah* over them, we fear that if they walk there is no *heker* of the *korah*. (AH §62; Ritva)
- Accordingly, with a *lechi* too, one must ensure they do not walk in the airspace lacking the *lechi*; ordinarily we do not fear they will leave the large opening for the small one, since it does not shorten their path. (AH §62; Siman 365)

Notes

376. see *Igros Moshe* OC 2:89, who permitted the Sea Gate wall whose opening exceeded ten *amos* but had a small guardhouse standing in the middle of it, since where the wall as a whole is *omed merubeh* the flanking airspaces do not nullify the interposing bit of wall, leaving two openings each under ten *amos*.

377. see *Mishnah Berurah* 143, that the *Acharonim* rule the essential *halacha* is like the first view that it does have the law of a crooked *mavoi*.

378. see *Mishnah Berurah* 148, that only where one actually walks through the small opening is the remedy voided, but we do not otherwise suspect one will leave the large opening for the small one.

A Sloped Mavoi

A *mavoi* level within and sloping toward the public domain, or level with the public domain and sloping inward — if the slope rises gradually until it reaches ten *tefachim* within four *amos* of slope, it is as though wholly upright and is itself a partition needing no other remedy. (AH §63)

If it rises only within five *amos*, it is not a partition but like the public domain or *karmelis*, since it is comfortable to walk on, not being upright. (AH §63)

364: Enclosing a Public Domain and Through-Alleys

A Form-of-Doorway Does Not Suffice for a Public Domain

For a full-fledged public domain (*reshus harabbim*), a form-of-doorway (*tzuras hapesach*) does not suffice to render it a *reshus hayachid* in which one may carry — even though a *tzuras hapesach* has the status of a partition. (AH §1)

The only remedy for a public domain is full partitions with doors that are locked each night. (AH §1; *Eruvin* 6b)[379]

- According to Rambam and the Tur, actual locking is not required — it is enough that the doors be fit to be locked, meaning they are not sunk in the dirt; if they are sunk, one must clear the dirt so they can be locked. (AH §1; Rambam, Hilchos *Shabbos*, ch. 17)
- Even if the city officer does not permit locking, this is of no consequence, since the doors turn the opening into a proper doorway; one may rely on the lenient view of Rambam and the Tur that actual locking is not required. (AH §1)[380]

Once the public domain has been fitted with doors, the whole area is treated as a single courtyard, and its alleys do not require the correction of a *lechi* or *korah*. (AH §1)

A Through-Alley Opening to a Public Domain

An alley open at both ends to a public domain, or open on one side to a public domain and the other to a *karmelis*, or open on both sides to a *karmelis*, requires a *tzuras hapesach* on one side and a *lechi* or *korah* on the other. (AH §2)

This applies when it has all the qualifications of an alley; if it lacks them, it has the status of a courtyard, for which a *lechi* or *korah* on the fourth side does not suffice — rather two side-posts or one post of four *tefachim* are needed. (AH §2)

- On the side that requires a *tzuras hapesach*, however, there is no difference [between an alley and a courtyard]. (AH §2)

If the alley is open on one side to a courtyard — even an unmerged courtyard, and even though its other side opens to a public domain — it does not require a *tzuras hapesach*; rather a *lechi* or *korah* on each of its two sides suffices. (AH §2)[381]

- The *lechi* or *korah* on the courtyard side is required only as a distinguishing marker (*heker*). (AH §2)[382]
- Some hold that on the courtyard side a *korah* does not suffice — only a *lechi*, which functions as a partition. (AH §2; Bach)

Dissenting Views on a Doubly-Open Alley

Some of our Sages hold that an alley open at both ends to a public domain requires a door fit to be locked on one side. (AH §3; Rashba, Maggid Mishneh, ch. 17)

Some hold that an alley thirteen and a third *amos* wide, open at both ends to a public domain, has the status of a public domain itself. (AH §3; *Tosafos*, *Eruvin* 6b)

The primary ruling follows the first view [requiring only a *tzuras hapesach* and a *lechi* or *korah*], the opinion of the Rif, Rambam, and Rosh; and only this view is cited in the *Shulchan Aruch*. (AH §3)

Whether One Door Suffices

Where a door is used for the fourth side of a public domain, a door is obviously recognized by all as a full partition, unlike a *tzuras hapesach*. Therefore, according to the Rashba, if there is a proper door — locked or fit to be locked — on even one side, a *lechi* or *korah* suffices on the other side, as with all alleys. (AH §4; Rashba, Maggid Mishneh, ch. 17)

The *Tosafos* and Rashi hold that where the third partition is made by a door, a door is required on the fourth side as well. (AH §4; *Tosafos*, *Eruvin* 6b)

Notes

379. see *Igros Moshe* OC 1:139, who rules regarding a Manhattan *eruv* that the retaining walls running from the water's edge up to the land, being over ten *tefachim* and built for people to walk and sit there, are genuine partitions made for dwelling that encircle the city, so its enclosure does not rest on a *tzuras hapesach* at all.

380. see *Mishnah Berurah* 8 and *Be'ur Halacha* s.v. *mavoi hamefulash*, who note that our reliance on *tzuras hapesach* for city streets rests on the lenient view (in *siman* 345) that a *reshus harabbim* requires *shishim ribo*, and that a *baal nefesh* should be stringent not to carry via *tzuras hapesach* alone.

381. see *Be'ur Halacha* s.v. *she'einah me'ureves*, who cites the Gra (against the Taz) that if the courtyard is itself an *eruv*'d courtyard its residents do restrict the alley until they join in the *shittuf*.

382. see *Be'ur Halacha* s.v. *ein tzarich ela lechi o korah*, who notes that the Ran (in *Beis Yosef*) appears to disagree with this ruling.

- This is a dispute among the early authorities. (AH §4)

Regarding a door fit to be locked, some say that if the government objects to the locking it is deemed not fit to be locked; but this is not correct, as is implied by the Talmudic discussion. (AH §4)

A Bent Alley Shaped Like a Dalet

A bent alley shaped like a *dalet* — bending to the right or left, so that one side opens to a public domain on the east or west, and the other to a public domain on the north or south — requires a *tzuras hapesach* at its bend, since the bend appears open to both sides like a through-alley, with a *lechi* or *korah* at each of its two ends. (AH §5)

- One may instead place a *tzuras hapesach* at each of the two ends and a *lechi* or *korah* at the bend. (AH §5)

Since the two arms are treated as two separate alleys because of the bend, each may make its own *eruv*, and neither restricts the other; and if one arm made its own *eruv*, its residents have shown they are separating themselves from the other. (AH §5)

The residents of the second alley are compelled not to pass through the first alley on that *Shabbos*, for if they do they will render it forbidden; since in an alley all have access, they must be forced not to pass through. (AH §5; Magen Avraham)

The requirement of a *tzuras hapesach* at the bend applies even if the bend is not more than ten [*amos*], since this counts as an opening to a public domain, with no distinction between less and more than ten. (AH §5; *Eruvin* 6a)

A Bent Alley Whose Openings Face One Public Domain

Some say that a *tzuras hapesach* is required at the bend of a bent alley only when the openings are to a public domain; but if both openings are to a *karmelis*, no correction is needed at the bend — only a *lechi* or *korah* at each opening. (AH §6; Taz)

- Accordingly, in our times, where there is no [true] public domain, the same applies. (AH §6)[383]
- Although in a fully-open through-alley there is no distinction between a public domain and a *karmelis*, in a bend, which is not a full opening, there is a distinction. (AH §6)

Some dispute this and hold the law is the same in all cases; but the primary ruling follows the first view. (AH §6; Eliyah Rabbah)

A Bent Alley Shaped Like a Ches

A bent alley shaped like a *ches* — bending toward the south and then toward the west, having two bends and two openings to a single public domain — requires two forms-of-doorway at the two bends and two *lechis* or *korahs* at the two openings, or the reverse; its law is that of two bent alleys. (AH §7; Rashi, *Eruvin* 6b)

- Some hold that when both openings go out to one and the same public domain, it does not have the status of a bent alley requiring a *tzuras hapesach*; but Rashi, the Tur, and the *Shulchan Aruch* do not rule this way. (AH §7)

A Chain of Interconnected Bent Alleys

The law of a bent alley applies even where many alleys open into one another, one running east, one south, then west, then north, and so on, their bends and openings being only from one to another and not to a public domain. (AH §8)

If the first and last alleys open to a public domain, all the alleys are considered as open to a public domain on both sides; each requires a *tzuras hapesach* at its bend and a *lechi* or *korah* at its opening to its neighbor, or the reverse, and each is treated as open to a public domain. (AH §8)

An Alley Shaped Like a Centipede

An alley made like a centipede (*nadal*) — a large alley into which small alleys open on both sides, whether aligned or not, each small alley also opening on its other side to a public domain. (AH §9; *Tosafos*, *Eruvin* 8b)

Each small alley has the status of a bent alley with two openings to a public domain — its own, and that of the large alley which is itself open toward the public domain; the opening into an alley that is itself open to a public domain is as if it opens directly to the public domain. (AH §9)

Therefore each small alley requires a *tzuras hapesach* where it opens into the large alley and a *lechi* or *korah* at its other end that opens to the public domain, or the reverse. (AH §9)

If the large alley has only one opening to a public domain, it makes a *lechi* or *korah* at its end and that suffices; even though it too is a bent alley through the small alleys, the *tzuras hapesach* placed in each small alley at its junction serves both the small alleys and the large one. (AH §9)

If the large alley is open at both ends to a public domain — giving it three openings to a public domain — it requires a *tzuras hapesach* at one of its two openings and a *lechi* or *korah* at the other. (AH §9)

Notes

383. see *Mishnah Berurah* 12, who applies this leniency to our bent alleys, which have the status of courtyards, so that no correction is needed at the bend even if open on both sides to a *reshus harabbim*.

365: A Breached Alleyway and the Piskei Biraos

An Alley Breached in Its Side Wall

If an alley is breached in its side wall and the public passes through the breach, it does not count as a doorway and requires repair even if the breach is only four *tefachim*. (AH §1)

- The reason is that people may abandon the main entrance — where the *lechi* or *korah* marker is — and pass through the breach instead, nullifying the marker. (AH §2)

If the public does not pass through it and the breach is under ten *amos*, no repair is needed — like any other doorway — even if no raised ledge (*gidudin*) remains. (AH §1)[384]

This applies only when at least four *tefachim* of wall remain toward the head of the alley [alongside the *lechi* or *korah*]. (AH §1)[385]

If four *tefachim* do not remain, even a breach of three *tefachim* disqualifies; less than three is treated as *lavud* and does not disqualify. (AH §1)[386]

An Alley Breached at Its Head

If breached at its head — meaning at the very end of the side wall, where the opening forms a corner (*keren zavis*) — even a breach of four *tefachim* disqualifies. (AH §4; *Eruvin* 6a)

The Rambam and the *Shulchan Aruch* do not distinguish a breach 'at the head' from one 'in the side,' since apart from the corner case the law is the same. (AH §3; Rambam, Hilchos *Shabbos*, ch. 17)

A Wide Alley Enclosed in Part

Where an alley much wider than ten *amos* was partially walled off and then breached, its law follows that of a side-breach only when the *korah* was laid from the edge of the partition to the far wall [so that passing through the breach leaves no *korah* overhead]. (AH §5)

If the *korah* is laid from wall to wall, it does not matter that people pass through the breach. (AH §5)[387]

Where the kosher status rested on a *lechi*, the law is as with a side-breach, since the *lechi* stands only at one end. (AH §5)

At the head, a breach of less than four *tefachim* never disqualifies, even if four *tefachim* do not remain by the wall — this is more lenient than a side-breach. (AH §5)

A Breached Courtyard

A partial breach in an existing courtyard wall disqualifies only at ten *amos*; a breach under ten does not itself disqualify the wall. (AH §6; *Eruvin* 5b)

According to our arrangements, in which our towns are judged as courtyards, their breaches disqualify only at ten *amos*. (AH §6)[388]

- The *Magen Avraham* was in doubt and, following his own approach, would rule stringently, requiring a *tzuras hapesach* even under ten *amos*; but our custom is to treat them as true courtyards. A fully open side or street end under ten still requires the courtyard remedy of two minimal side-posts. (AH §6; Magen Avraham)

An Alley Breached to a Courtyard Opening to the Public Domain

If an alley is breached along its full width into a courtyard, and the courtyard is breached opposite it into the public domain, the alley is forbidden [as a through-alley (*mefulash*)], but the courtyard is permitted. (AH §7; Rambam, Hilchos *Shabbos*, ch. 17)

- This is where the courtyard retains side-remnants (*gipufin*) on both walls, and these are under ten *amos*. (AH §7)
- The case is where the alley walls extend into the courtyard, so that all can see these remnants belong to the courtyard walls, not the alley's. (AH §7)

The Rambam recorded the wall-laws here and the *eruv* details separately in *Hilchos Eruvin*, whereas the Tur and *Shulchan Aruch* combined them. (AH §8; *Eruvin* 7b)

Whether an Eruv Was Made Between the Courtyard and the Alley

If they did not make an eruv together: the courtyard is permitted — even with the breaches directly opposite — because of its remnants; the alley is forbidden even with the breaches not opposite, since it is breached in full to the courtyard and the courtyard's residents restrict it. (AH §9)

If they did make an eruv and the breaches are not di-

Notes

384. see *Mishnah Berurah* 3, that beyond ten *amos* it counts as a breach requiring either sealing or a *tzuras hapesach* at that spot.

385. see *Be'ur Halacha* s.v. *im nishar*, who notes that if four *tefachim* did not remain, erecting a four-*tefach* post is ineffective — a full four-*amah* post is required as at the start of an alley.

386. see *Be'ur Halacha* s.v. *v'im lo nishar pas dalet*, that this is forbidden even where a *gidud* remains that impedes passage, since the traffic is diminished through the breach.

387. see *Mishnah Berurah* 7, that some require the *korah* lie specifically from wall to wall, but most *Acharonim* hold that resting on the remaining standing portion suffices.

388. see *Mishnah Berurah* 10, that although the *Magen Avraham* inclined to be stringent, the *Beis Meir* holds all these laws apply to our alleys by strict law.

rectly opposite: both are permitted. (AH §9)

If the breaches are directly opposite: the courtyard is permitted, the alley forbidden, and the alley's residents are barred from entering the courtyard so they do not restrict it. (AH §9; Magen Avraham)

Under the Talmud's initial analysis, **even if they made an eruv and the breaches are not opposite**, the alley could still be forbidden if the breach between alley and courtyard was at the edge of the courtyard wall rather than its center, making it appear as a long through-alley. (AH §10)

Under that initial analysis, **if the breach is in the middle of the courtyard wall**, it is clear to all that the stretch from breach to public domain is not part of the alley. (AH §10)

That initial analysis also restricted a courtyard belonging to a single individual, lest its owner build up the extra width and align its walls with the alley. The *Aruch HaShulchan* concludes, however, that neither this restriction nor the edge-versus-middle distinction applies under the final Talmudic analysis. (AH §10; *Eruvin* 8a)

An Alley Breached to an Open Expanse

If an alley is breached to an expanse (*rechavah*) behind the courtyard: if the expanse is less than a *beis se'asayim*, or larger but enclosed for dwelling, it is like a courtyard, as though breached to a courtyard. (AH §11; Siman 358)

If it is larger than a *beis se'asayim* and not enclosed for dwelling, the expanse restricts the alley as though breached to a *karmelis*. (AH §11)[389]

If the alley has no remnants, or the breach exceeds ten *amos*, it is forbidden to carry in the alley until the breach is repaired. (AH §11)

An Alley Opening to an Expanse Opening to a Path Between Vineyards

Where an alley opens to an expanse not enclosed for dwelling, which opens to a path between vineyards used by the alley's residents, one places a *lechi* between the alley's opening and the expanse's opening, and both are thereby permitted. (AH §12; *Eruvin* 24b)

- Though the expanse is not enclosed for dwelling, since the *lechi* helps the alley it likewise helps the expanse (*migo*), rendering it as enclosed for dwelling, and one may carry from alley to expanse. (AH §12)
- In the path itself carrying is forbidden, and it does not restrict the expanse since the expanse has remnants. (AH §12)
- One does not place a *lechi* between the path and the expanse — even though this path has an alley's status — lest people equate it with an ordinary path where a *lechi* is ineffective. (AH §12)

Using the Space Under the Korah and Alongside the Lechi

It is permitted to use the area under the *korah* and alongside the *lechi*, since they are part of the alley — but only when the alley opens to a public domain; if it opens to a *karmelis*, it is forbidden. (AH §13)[390]

If the *korah* is four *tefachim* wide, one may carry beneath it even when it opens to a *karmelis*, since we say the edge of the roof descends and seals (*pi tikrah yored ve'sosem*), provided it is sturdy enough to bear plaster. (AH §13; Magen Avraham in the name of Rashba)[391]

- We apply *pi tikrah* only to a covering with two walls forming an angle, not to walls facing one another; but a structure with three walls and a roof, if four *tefachim* wide, is treated with *pi tikrah*. (AH §13)
- The Maharil was stringent even in such a case, but this is puzzling, and there is no doubt it is permitted. (AH §13; Taz)

Sitting at the Head of the Alley With an Object

Even though one may use the space under the *korah*, a person should not sit at the head of the alley holding an object, lest it roll from his hand into the public domain and he retrieve it, since there is no marker between him and the public domain. (AH §14)

- **If it opens to a *karmelis***, it appears to be permitted. (AH §14)

At the opening of a courtyard it is permitted — whether opening to a public domain or a *karmelis* — since it has a marker, either a four-*tefach* post or two posts; but a single side *lechi* is no marker. (AH §14)

- A *tzuras hapesach* is a marker, and one may sit there; but some forbid this even with a *tzuras hapesach*, and even when opening to a *karmelis* as with us who have no public domain. (AH §14; Magen Avraham)[392]

Notes

389. see *Be'ur Halacha* (end of s.v.), that where the riverbank descends ten *tefachim* within four *amos* it counts as a *mechitza*, and in a pressing case one may be lenient.

390. see *Mishnah Berurah* 25, that some permit using the space under the *korah* only where it lacks four-by-four *tefachim*, otherwise treating it as a *karmelis*.

391. see *Mishnah Berurah* 27, who cites the *Eliyah Rabbah* and *Even HaOzer* to permit carrying under the *korah* even when it opens to a *karmelis*, all the more so if it is four *tefachim* wide.

392. see *Mishnah Berurah* 29, that with our very high *tzuras hapesach* there is no *heker* and it is certainly forbidden, even when opening to a *karmelis*.