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Digest
Mishna Berura
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סימן שס"ב סעיף י'

Halacha Highlight

Minimizing the length of a *tzuras hapesach*

Shulchan Aruch Siman 358 Seif 10

אם עשה צורת הפתח

If one constructed a *tzuras hapesach*

Shulchan Aruch presents a disagreement concerning the parameters of utilizing a *tzuras hapesach* to enclose an area. The first opinion cited maintains that a *tzuras hapesach* may extend a distance of even more than ten *amos*. Furthermore, even if one inserted poles in four corners and made a *tzuras hapesach* over the top of the four poles, it would be acceptable. However, this holds true when enclosing a yard or an alleyway which has residents, but when enclosing an area in a field the area is not considered *halachically* enclosed if all of the sides are enclosed with a *tzuras hapesach*. Shulchan Aruch then cites Rambam who writes that a *tzuras hapesach* is not effective to enclose a breach that is more than ten *amos* unless the area contains more closed space than open space (עומד מרובה על הפרוץ). Mishnah Berurah (ס"ק נ"ח) notes that according to Rambam the issue is utilizing a *tzuras hapesach* for an area that is greater than ten *amos*. If, however, the distance one wishes to close is ten *amos* or less, a *tzuras hapesach* is effective, even in a field and even if all four sides of the enclosure utilize *tzuras hapesach*.

In the event that one constructed a *tzuras hapesach* that is longer than ten *amos* and one wishes to comply with Rambam's stringent position, Chasam Sofer (שו"ת סי' פ"ח) suggests an easy solution. If one places a pole between the two existing poles he has minimized the length of the *tzuras hapesach* since he has created two smaller sections of *tzuras hapesach*, each less than ten *amos*. Chazon Ish (סי' ע"ט סק"ו) rejects this suggestion. He contends that placing a pole in the middle of the existing *tzuras hapesach* is ineffective at creating two smaller sections of *tzuras hapesach* since the empty space on each side of the pole nullifies its presence (אתי אוירא דהאי גיסא ואוירא דהאי גיסא ומבטל ליה).

Overview

Siman 362 Seif 10:

If one formed a *tzuras hapesach* even for a breach that is greater than ten *amos* it is effective. Even if one merely inserted four poles in four corners and made a *tzuras hapesach* on top of them, it is permitted. This is true for a yard or an alleyway which have residents but in a field it is ineffective to enclose all of the sides with a *tzuras hapesach*. According to Rambam *tzuras hapesach* is not effective for a breach that is larger than ten *amos* unless there is more wall than open space (in which case it is effective even in a field and in all directions).

- One may transport objects within the enclosure since it is considered as though there are walls with entrances. (M.B. 55)
- Since there are residents it is common for there to be multiple entrances. (M.B. 56)
- If the enclosure was properly constructed but has many breaches greater than ten *amos*, a *tzuras hapesach* will be effective even in a field, even on all four sides and when there is more open space than closed space. (M.B. 57)
- If the breach is only ten *amos* a *tzuras hapesach* is effective even if there is more open space than closed space. At times a *tzuras hapesach* may be effective even for a breach greater than ten *amos*, for example, for the 3rd wall of an alleyway, even if the side is completely open since there are two solid walls. (M.B. 58)
- One should make an effort to accommodate Rambam's position since it is shared by Semag and Semak as well. (M.B. 59)