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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Nov 23 2024 ■ כ"ב חשון תשפ"ה
סימן שס"ב סעיף י"א-י"ב

Overview

Siman 362 Seif 11:

What is a *tzuras hapesach*? A pole on one side, a pole on the other side and another pole resting on top of them. Even if the horizontal pole does not touch the side poles and there is a gap of many *amos* it is effective provided that the side posts are at least ten *tefachim* tall and must be placed directly beneath the horizontal pole. If one attached the upper beam on the two side posts or even to one of the side posts on the side rather than on top, it is ineffective. The side posts must be strong enough to hold a minimal size door, even if made from straw or reeds, however, the horizontal pole may be any size and even if made from reed, it is effective.

- It is effective even if one of the poles is taller than the other so that the horizontal pole is sloped. (M.B. 60)
- It may not be misaligned even slightly and if either one of the side posts is not directly beneath the horizontal pole it is ineffective. If the side posts are not in a straight line one must adjust the horizontal pole so that it will be directly above them. (M.B. 63)
- If it is on the side of the pole it does resemble a doorway. Although Taz is lenient when the string is on the top edge of the side of the pole other *Poskim* reject his position and maintain that it must run over the top of the pole. If the string runs over a notch on the top of a pole and part of the pole extends higher than the string, Pri Megadim feels that it is invalid but if the pole does not extend higher than the string it is valid since it is considered over the top of the pole. If one drove a nail to the top of the pole and wrapped the string around that, it is valid. If one wrapped the string around the pole enough times that the string is now above the top of the pole, it is valid. (M.B. 64)
- If one added another pole beneath the horizontal pole because it was attached from the side, the upper pole should be removed for the sake of the observers. (M.B. 65)
- The reed may not become dislodged by the wind. Machatzis HaShekel writes that the horizontal beam is treated more leniently than the side beams since the side beams may not sway in the wind at all whereas the horizontal beam may sway provided that it does not become dislodged altogether. Some authorities are stringent regarding this matter as well and when utilizing a rope it must be pulled taught so that it does not sway in the wind. (M.B. 66)

Halacha Highlight

Forming a *tzuras hapesach*

Shulchan Aruch Siman 362 Seif 11

מהו צורת הפתח

What is a *tzuras hapesach*?

Shulchan Aruch (סעי' י"א) describes the structure of a *tzuras hapesach*. He writes that it involves placing two vertical side posts (לחי) with a lintel that rests horizontally on the side posts. Even if the lintel does not rest directly on top of the side posts but is aligned directly over it so that one can employ the principle of גוד אסיק—extending a wall, or in this instance the לחי, straight upwards to the lintel overhead, one has successfully formed a *tzuras hapesach*. However, if one attached the lintel to the sides of the two side posts or if it is attached to the side of even one of the side posts, a *tzuras hapesach* was not properly formed and one cannot consider the area between the side posts to be closed. The reason is that a *tzuras hapesach* must resemble an actual doorframe and the lintel of a doorframe rests on top of the side posts rather than on the side of the side posts (מ"ב ס"ק ס"ד).

Poskim discuss whether a *tzuras hapesach* is properly formed when one of the side posts is sloped rather than vertical, which is often the case when utilizing telephone poles. Chochmos Shlomo (כאן) writes that when the side posts are not vertical, regardless of which direction they lean, they cannot be used to form a *tzuras hapesach*. He considers this to be comparable to a lintel attached to the side of the side posts. Chazon Ish (או"ח סי' ע"א סק"ו) writes that leaning poles are acceptable, whether they lean into the domain they are intended to enclose or whether they lean out of the domain they are intended to enclose. He adds that when the poles lean and one intends to rely on גוד אסיק to connect the side posts to the lintel above, one must be certain that the side posts are directly beneath the lintel and when making that determination we draw an imaginary vertical line from the top of the pole and do not follow the slope of the pole.

Siman 362 Seif 12:

Regarding an arch, if the legs, meaning the part before it begins to curve, are ten *tefachim* tall, it is considered a *tzuras hapesach*.

- We do not include the curved section in the height of ten *tefachim* required of the side posts. (M.B. 67)