The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שס"ג סעיף ו'-ז'

Overview

Siman 363 Seif 6:

The *lechi* may not be more than three *tefachim* from the wall.

- Some explain that the issue is that spaces on the two sides of the *lechi* nullify its existence. Accordingly, if the *lechi* is three *tefachim* wide it is valid. Others explain that it is always invalid and one should be stringent in accordance with that opinion. (M.B. 22)
- There are *Poskim* who maintain that when utilizing a *tzuras hapesach* it is unnecessary for it to be placed within three *tefachim* of the wall since *tzuras hapesach* is the same as an actual partition. Others treat a *tzuras hapesach* the same as a *lechi* and in a pressing circumstance one may be lenient. If there are four *tefachim* between the *tzuras hapesach* and the wall the Chaye Adam requires another *lechi* next to the wall and *l'chatchila* one should be stringent about the matter even when it is three *tefachim* from the wall. (M.B. 23)

Siman 363 Seif 7:

A *lechi* comprised of pieces or pieces from pieces is valid. Consequently, a *lechi* may be made from plaster pressed onto the wall provided that one is careful that it does not become obliterated more than three *tefachim* from the ground.

- The pieces must be attached. (M.B. 24)
- The same is true concerning stones that extend from a wall and are not more than three *tefachim* apart from one another. (M.B. 25)
- The same is true concerning the side posts of a *tzuras hapesach* and they may be formed with pressed plaster provided that the horizontal string above is aligned over the side posts. There must be some substance to the *lechi* but if there is just paint that gives an appearance but there is no substance it is invalid. (M.B. 26)
- It will no longer be valid as a *lechi* or *tzuras hapesach*. (M.B. 27)
- Even if exactly three *tefachim* become obliterated it no longer qualifies as a *lechi*. (M.B. 28)

Halacha Highlight

A *tzuras hapesach* that is a distance from the walls

Shulchan Aruch Siman 363 Seif 6

הלחי רחוק מן הכתל שלשה טפחים

The *lechi* three *tefachim* distance from the walls

Shulchan Aruch (סע' ו') rules that a *lechi* may not be placed more than three *tefachim* from the wall. Mishnah Berurah (ס"ק כ"ב) presents two explanations for this *halacha*. The first explanation is that if the *lechi* is placed more than three *tefachim* from the wall, that lechi will be located between two empty spaces and the principle אתי אוירא דהאי גיסא ודהאי גיסא ומבטלין ליה renders the *lechi* non-existent. The second explanation is not focused on the adjacent airspace nullifying the *lechi*, the issue is that if the *lechi* is not within three *tefachim* of the wall it is invalid. The practical difference between these explanations is if the *lechi* is more than three *tefachim* wide. According to the first explanation it would be valid since the *lechi* is wider than the empty space, at least on one side whereas according to the second explanation it is invalid in all circumstances.

Mishnah Berurah (ס"ק כ"ג) presents a disagreement regarding the *halacha* if one placed a *tzuras hapesach* more than three *tefachim* from the existing wall. According to many *Poskim* there is no reason for concern since a *tzuras hapesach* serves as a partition and thus as long as the gap is less than ten *amos* it is valid. Others contend that there is no difference between a *tzuras hapesach* and a *lechi* and in both instances it may not be more than three *tefachim* from the existing wall. He concludes that in a pressing circumstance, one may be lenient. Chazon Ish (או"ח סי' כ"ב סק"ד) discusses a case in which a *mavoi* is enclosed on three sides, north, east and west and one added a *tzuras hapesach* on the southern side to complete the enclosure but placed that *tzuras hapesach* more than three *tefachim* from the eastern and western walls. He rules that in a circumstance in which the eastern and western walls are longer than the gap between the walls and the *tzuras hapesach* the area is considered enclosed because of the principle of עומד מרובה—the closed area is greater than the open area and thus the open area is seen as an entrance rather than a breach.