The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Nov 27 2024 ■ כ"ו חשון תשפ"ה
סימן שס"ג סעיף ח'-י"ב

Overview

Siman 363 Seif 8:

A *lechi* made from the wood of an *asheirah* tree is valid.

- The Gemara implies that it may be used even *l'chatchila*. It does not violate the prohibition against benefitting from idolatry since it serves as a partition from which one does not derive personal benefit. (M.B. 29)

Siman 363 Seif 9:

A *lechi* is valid whether it is visible to those who are standing in the *mavoi* but not for those who are outside of the *mavoi* or whether it is visible to those who are outside the *mavoi* but not those inside the *mavoi*.

- The *lechi* was placed so that it is flush with the wall as seen from the outside but extends into the *mavoi* so that it is visible to those standing within the *mavoi*. (M.B. 31)
- The *lechi* was placed on the wall so that it is visible to those outside of the *mavoi* but it is set back slightly so that it is not visible to those standing within the *mavoi*. (M.B. 32)

Siman 363 Seif 10:

If it was placed three *tefachim* from the wall or was raised three *tefachim* from the ground, it is invalid. If it was raised less than three *tefachim* and the *lechi* is seven *tefachim* and a little extra, it is valid.

- It is no different from a wall that is three *tefachim* above the ground which is invalid since it does not prevent goats from entering the area and thus does not qualify as a partition. (M.B. 35)

Siman 363 Seif 11:

Even if the *lechi* was not placed there intentionally but came into place on its own it is valid provided that one intended to use it before Shabbos. If they were not relying upon it before Shabbos, e.g., there was another *lechi* but it fell on Shabbos and now they wish to rely upon this one, it is invalid. (If there was no other *lechi* there before Shabbos it is treated as though they intended to rely upon it.)

- A *lechi* acts as a partition and a partition that comes into existence on its own is valid. (M.B. 37)
- It is as if he intended to rely on the other *lechi*, to the exclusion of this one. (M.B. 38)
- If they had not relied on this *lechi* in the past, for example, it was in place and they did not transport objects despite its presence, it is not effective the following Shabbos unless they explicitly intend to use it as a *lechi*. (M.B. 39)

Siman 363 Seif 12:

If a *lechi* came into existence on its own and they intended to utilize its presence before Shabbos but the *mavoi* is more than eight *amos* wide and the *lechi* protrudes into the *mavoi* four *amos*, it is not treated as a *lechi* and another *lechi* is necessary to permit it. That *lechi* should be placed on the opposite wall and if one wants to attach it to that wall it must be thicker or thinner than the existing extension so that it is discernable that it is serving as a *lechi*. If one was placed there to serve as a *lechi* so that there is an awareness that it serves as a *lechi* for this *mavoi*, even if it is four *amos* wide it is a valid *lechi*.

- When the *lechi* extends four *amos* into the width of the opening of the *mavoi* it is considered a wall rather than a *lechi* and thus another *lechi* is necessary to permit transporting objects in the *mavoi*. (M.B. 40)
- If it was placed there as a *lechi*, even if four *tefachim* wide it is a valid *lechi*. (M.B. 41)
- Until four *amos* it may be considered a *lechi*, if they intended to rely upon it before Shabbos. (M.B. 42)
- Closing off a larger section of the entrance to the *mavoi* is not worse than merely placing a *lechi* there. (M.B. 43)

Halacha Highlight

Using the remnants of a wall or *tzuras hapesach* as a *lechi*

Shulchan Aruch Siman 363 Seif 11

אפילו לא עשאו לשם לחי

Even if it was not constructed to serve as a *lechi*

Shulchan Aruch (סעי' י"א) rules that a *lechi* is valid even if it was not placed in that location to serve as a *lechi* and instead came into its role as a *lechi* on its own, provided that the residents intended to rely upon it before Shabbos. If, however, they did not rely upon this as a *lechi* before Shabbos, for example, there was another *lechi* present that they residents intended to rely upon but that *lechi* fell on Shabbos and now they wish to rely upon the *lechi* which was there anyways, it is invalid. Mishnah Berurah (ס"ק ל"ח) explains that when the residents did not intend to utilize that *lechi* it is treated as though they explicitly stated that they would not use that *lechi* and thus it cannot be revitalized on Shabbos.

Rav Akiva Eiger (הגהות לשו"ע ושו"ת מהדו"ק סי' ל"ה) is uncertain regarding the *halacha* when a *mavoi* was enclosed with a partition but part of that partition collapsed on Shabbos and what remains would qualify as a *lechi*. Should the remaining section be categorized as a *lechi* since it is a remnant of the partition that served to enclose the area, or perhaps it is ineffective since before Shabbos this was part of a wall and now one wants to use it as a *lechi*. Biur Halacha (סע' ד' ד"ה ובלבד) seems to indicate that he adopts a stringent position regarding this question. Rav Akiva Eiger expresses a similar uncertainty in a circumstance in which there was a *tzuras hapesach* where the horizontal reed or string fell on Shabbos and two side posts remain that could be used as *lechaya'yim*. Can we now categorize the side posts as *lechaya'yim* or since when Shabbos began they were to serve as side posts of a *tzuras hapesach* their role cannot change. Tosefes Shabbos (ס"ק כ"א) asserts that even if one maintains that the remnants of a collapsed wall cannot serve as a *lechi*, the remnants of a *tzuras hapesach* may serve as a *lechi* since the side posts of a *tzuras hapesach* are, in fact, *lechaya'yim*.