The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Sun, Dec 1 2024 ■ ל' חשון תשפ"ה
סימן שס"ג סעיף כ"ו

Overview

Siman 363 Seif 26 (a):

The *halacha* that a *mavoi* is permitted with a *lechi* or beam applies when its height is not less than ten wide *tefachim*, its entrance may not be more than exactly ten *amos* and its width must be at least four *amos* wide or more. If one of these prerequisites is missing, the only rectification is a *tzuras hapesach*. If the height of the airspace is greater than exactly twenty *amos*, it is not permitted with a beam but is permitted with a *lechi*. If one wishes to rectify it with a beam one must paint or plaster the walls so that people will look up that high. If it was taller than 20 *amos* and one built a structure beneath the beam to minimize the height of the beam, it is sufficient for that structure to be one *tefach* wide, the width of the beam. If the *mavoi* is not ten *tefachim* high and one dug out the ground so that it should be ten *tefachim* high, one must dig four *amos* into the *mavoi* along its entire width.

- In all cases we adopt the stringent measure. Wider *amos* are larger than compact *amos* at a ratio of half a finger per *amah*. (M.B. 89)
- When wider than ten *amos* it is no longer considered an entrance and consequently a *lechi* or beam is ineffective. (M.B. 90)
- This will add two fingerbreadths to four *amos*. (M.B. 91)
- Many authorities write that when the *mavoi* is smaller than ten *tefachim* even a *tzuras hapesach* will be ineffective but if the *mavoi* is ten *tefachim* but the entrance alone is less than ten *tefachim* a *tzuras hapesach* would be effective. If the length is not four *amos* according to many *Poskim* it is considered a yard and is permitted with a board that is four *tefachim* or two boards, one on each side of minimal size. (M.B. 93)
- If the height of the *mavoi* until the beam is exactly twenty *amos*, even though the beam is higher than twenty *amos*, it is valid. (M.B. 94)
- It is also effective to lower the beam. (M.B. 96)
- One could also add dirt this height but then one must be mindful that it does not become worn to the point where it is lacking the minimum size. (M.B. 97)
- If one dug out a smaller area, it is necessary to use a four *tefachim* board or two boards, one on each side of minimal size. (M.B. 100)
- If there is space between the dug-out area and the walls, they do not combine but if the space is less than three *tefachim*, some maintain that it is effective. (M.B. 101)

Halacha Highlight

Measuring for Rabbinic matters

Shulchan Aruch Siman 363 Seif 26 (a)
פחות מעשרה טפחים מרוחים
It was less than ten wide *tefachim*

Shulchan Aruch rules that the allowance to permit transporting items in a *mavoi* is limited to where the *mavoi* walls are ten *tefachim* tall. In the event that the walls are not ten *tefachim* tall it is necessary to construct a *tzuras hapesach* in order to permit transporting items in the *mavoi*. (Mishnah Berurah (ס"ק צ"ג) notes that according to many authorities when the walls are less than ten *tefachim* constructing a *tzuras hapesach* is ineffective.) Shulchan Aruch emphasizes that when measuring the ten *tefachim* to determine whether the *mavoi* is the minimum necessary height, they are measured with wide *tefachim* rather than compact *tefachim*. The difference between these measurements is half a finger per *amah*. Mishnah Berurah (ס"ק פ"ט) notes that elsewhere in the *seif* Shulchan Aruch states that the measurement is performed using compact *tefachim* rather than wide *tefachim*. The reason for the discrepancy is that in all circumstances we will measure in the manner that is stringent.

Biur Halacha (ד"ה מרוחים) wonders why we adopt the stringent approach to these matters when these issues are all Rabbinic and the general approach to Rabbinic uncertainties (ספק) is to adopt the lenient approach. He answers that this is not considered an uncertainty since it is due to our ignorance (חסרון ידיעה) rather than a true uncertainty. In other words, we do not apply the principle that regarding matters of uncertainty that pertain to Rabbinic enactments we adopt a lenient approach regarding those matters about which the Rishonim were uncertain (תוספת שבת סק"כ). The Tosefes Shabbos, referenced by Biur Halacha, goes on to reject the opinion that maintains that the reason we consistently adopt a stringent perspective is not due to uncertainty and instead it represents Chazal's approach that regarding issues involving measurements we always adopt the stringent approach.