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סימן שס"ג סעיף כ"ז-כ"ח

Halacha Highlight

Yards and *mavo'os*

Shulchan Aruch Siman 363 Seif 27

חצר שארכו יותר על רחבו

A yard that is longer than wide

Shulchan Aruch (סע' כ"ז) rules that when a yard is longer than it is wide, it is treated as a *mavoi* and can be rectified with a *lechi* or beam. Mishnah Berurah (ס"ק קט"ז) explains that the side of the yard that contains the entrance is its width and the walls perpendicular to the side of the entrance are its length. Even if the length is slightly larger than the width, it is categorized as a *mavoi*. Consequently, in order to qualify as a yard the width and length must be the same or the width must be greater than its length. Rema adds that a yard that is longer than it is wide is categorized as a *mavoi* even though it does not have other yards or houses open to this area which is generally a defining characteristic of a *mavoi*. The reason that houses and yards opening to this area is not essential is that only concerning a *mavoi* that opens to a public domain is there a prerequisite that it should have houses and yards open to the area but in this case that the yard opens to a *mavoi* rather than a public domain there is room for leniency.

The reason a yard that is longer than it is wide is treated like a *mavoi* is that the primary distinction between a *mavoi* and a yard is that a mavoi is designed for walking whereas a yard is designed for household purposes. Therefore, a *mavoi* will generally be open on the 4th side and Chazal required some token reminder (i.e., a *lechi* or beam). In contrast, a yard is designed for household use and thus it is generally closed on all four sides. For that reason the general requirement when closing the 4th side of a yard is to place a board that is four *tefachim* wide since that more substantially closes the area. Consequently, when a yard is shaped like a *mavoi* it is granted the leniency of a *mavoi* in that it can be closed with just a *lechi* or beam (משנה ברורה המבואר ציונים והערות אות קכ"ב).

Overview

Siman 363 Seif 27:

A yard whose length is greater than its width is categorized as a *mavoi* and is permitted with a *lechi* or beam. This is true even though it does not have yards and houses open to it since it is not near the public domain and instead is open to a *mavoi* and the *mavoi* opens to the public domain.

- An area is categorized as a yard only if the length and width are the same or if the width is greater than the length. (M.B. 116)

Siman 363 Seif 28:

A *mavoi* that is not three *tefachim* does not require a rectification since it is considered as though it is closed. Some maintain that if it is not four *tefachim* wide a rectification is not required.

- If the area narrows near the entrance a rectification is not necessary even though it is very wide. Shulchan Aruch implies that he subscribes to the stringent opinion whereas Darkei Moshe disagrees and contends that one may rely upon the lenient position. Even the stringency is limited to where inside the *mavoi* it is wider than four *tefachim* but narrows at the entrance but when the entire area is only four *tefachim* one may be lenient. (M.B. 117)