The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שס"ג סעיף כ"ט

Overview

Siman 363 Seif 29:

If one end of a *mavoi* concludes in the sea and the other end concludes in a public garbage dump, no further rectification is required since public garbage dumps are not cleared away and we are not concerned that the sea will produce a sandbar. Some authorities disagree and maintain that we are concerned that the sea will produce a sandbar and there will not be a partition.

- There is a disagreement whether ships passing through the sea towards a port nullify its status as a partition. If the *mavoi* ends by a river and there is a bridge which allows one to cross to the other side of the river, many authorities indicate that it is necessary to construct a *tzuras hapesach*. If the sea bed does not slope to a depth of ten *tefachim* over a distance of four *amos* it does not constitute a partition. (M.B. 118)
- A privately owned garbage dump may be cleared and it will lose some of its height and people will unknowingly continue to use it. (M.B. 119)
- Authorities follow the stringent position. The concern for producing a sandbar do not apply to a river, however, rivers that dry up during the summer are an issue and may not be used even before they dry out of concern that one will continue to use it after it dried. If the water is more than ten *amos* from the houses a rectification is required since it is considered breached. If the water freezes during the winter its status as a partition is nullified but there are authorities who maintain that it does not lose its status as a partition when it freezes. (M.B. 121)
- A city that is surrounded by a ditch that is ten *tefachim* deep and four *tefachim* wide is considered to be surrounded by a wall and does not require a rectification. If there is a bridge over the ditch which people use to access the roads in the city, a rectification for that bridge is necessary. (M.B. 122)

Halacha Highlight

Bridges

Shulchan Aruch Siman 363 Seif 29
מבוי שצדו אחד כלה לים
If one end of a *mavoi* meets the sea

Shulchan Aruch discusses a *mavoi* that concludes at one end in a garbage heap and the other end a sea. He rules that as long as the garbage heap belongs to the public so that there is no concern that it will be cleared away the *mavoi* is considered closed on both ends and it is permitted to transport items within the *mavoi* without any further rectification. Mishnah Berurah (ס"ק קי"ח) discusses a case in which a *mavoi* ends next to a river but there is a bridge over the river that allows people to cross from one side to the other. He rules that it is necessary to construct a *tzuras hapesach* where the end of the *mavoi* meets the bridge in order for it to be permitted to transport things in the *mavoi*. The reason is that the presence of the bridge makes it as if that end of the *mavoi* is open rather than closed despite the presence of the river beneath it.

Sha'ar HaTziyun (ס"ק צ"ה) cites authorities who maintain that the bridge requires a rectification only if it is ten *amos* wide or greater so that it is considered a breach but if the width of the bridge is smaller, no rectification is necessary. However, Noda B'Yehudah contends that a rectification is necessary even if the width of the bridge is four *tefachim*. Chazon Ish (או"ח סי' ס"ה סק"ס) explains that the bridge is treated the same as any breach and in a *mavoi* it requires rectification if it is four *tefachim* and in a yard a rectification is necessary if it is ten *amos*. He then notes that there are many authorities who maintain that our *mavo'os* are categorized as a yard and thus a rectification is not necessary for the bridge unless the bridge is more than ten *amos* wide. In fact, the Sefer Nezer Yisroel, referenced in the Sha'ar HaTziyun explains that Noda B'Yehudah's requirement for a rectification for a bridge that is only four *tefachim* wide is limited to a true *mavoi* which we do not have nowadays.