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

Overview

Siman 363 Seif 30:

If one wall of the *mavoi* is longer than the other, even if the difference is not four *amos*, the beam should be aligned with the end of the shorter wall. If one wishes to construct a *tzuras hapesach* it may be made on an angle. If the beam is placed within the *mavoi* it may be placed on an angle and one may use the *mavoi* up until the beam, whether on the longer end or whether on the shorter end.

- Even if it is shorter it should be aligned with the shorter wall. The reason it may not be placed on an angle is that if one were to walk to the beam at the end of the longer wall there is no wall opposite it and an observer would think that one may transport things in a public domain. (M.B. 124)
- *Tzuras hapesach* functions as a wall and a wall may be constructed on an angle. Rashba maintains that it is effective even if one wall is more than four *amos* longer than the other wall. In a *mavoi* if one placed a *lechi* at the end of each wall that are different lengths one may transport things up until the *lechi* on the shorter wall. In a yard or our *mavo'os* which are categorized as a yard, one may not even transport items up until the *lechi* on the shorter wall since the area requires two *lechaya'yim*. (M.B. 125)
- Taz contends that distance may not be more than ten *amos*. (M.B. 126)

Siman 363 Seif 31:

If one placed a *lechi* in the middle of the *mavoi* and there is another yard beyond the first *lechi* and the outer people affixed their own *lechi* at the end of the *mavoi*, they prohibit one another until they make a joint *eruv*. If there is no outer yard or if there is one but they did not place a *lechi* or beam at the end of the *mavoi*, the area with the *lechi* is permitted and the outer area is prohibited. If they placed two boards in the middle of the *mavoi*, a board that is four *tefachim* if the width of the *mavoi* is not ten *amos* or constructed a *tzuras hapesach* if it is wider than ten *amos*, even if there is a yard outside of the inner area and the outer residents made a rectification for the outer part of the *mavoi*, each area makes their own *eruv* and are permitted in their area.

- Normally after rectifying the *mavoi* the residents join together in a *shituf*. Since that is the norm, when some of the residents do not join they prohibit the others from using the *mavoi*. (M.B. 127)
- Since they did not affix a *lechi* they may not transport things in the *mavoi* and once they cannot join the *shituf* they do not prohibit the residents of the inner part of the *mavoi* from transporting items in the *mavoi*. (M.B. 128)
- The areas are separated from one another. This is true when they do not have rights of passage but if they do, even a door does not effectively separate them. (M.B. 130)
- A yard can also be divided in this manner. (M.B. 131)

Halacha Highlight

Determining whether something is straight

Shulchan Aruch Siman 363 Seif 30

מבוי שצדו אחד ארך

If one wall of the *mavoi* is long

Shulchan Aruch (סעי' ל') addresses the case of a *mavoi* in which one wall is longer than the other wall. He rules that even when the longer wall is not four *amos* longer than the shorter wall, nevertheless, the beam should be placed over the edge of the shorter wall. Mishnah Berurah (ס"ק קכ"ד) explains that the beam may not be placed on an angle so that it rests on the edge of the two walls. The reason is that the function of a beam is to serve as a reminder so that people do not confuse the *mavoi* with the public domain. If the beam is placed on an angle it will not be an effective reminder because when the person transports things in the *mavoi* up until the longer wall of the *mavoi* and people do not see a wall on the other side of the *mavoi*, they may mistakenly conclude that it is permitted to transport things in the public domain as well.

Biur Halacha (ד"ה שצדו אחד ארך) discusses whether it is acceptable for there to be any discrepancy of length of the two walls of the *mavoi*. Upon conclusion of that discussion he notes that it is clear to him that the concern is only when one wall is visibly longer than the other wall. If, however, the walls appear to be the same length but when measured one realizes that one wall is longer than the other, we are not stringent since it will not lead people to confuse the *mavoi* with the public domain. Chazon Ish (או"ח סי' ע"ב ס"ק י"ד) writes that the beam must be placed on the longer wall where it corresponds to the shorter wall and that place is determined by measuring rather than by what appears to correspond to the end of the shorter wall. Additionally, when two *lechaya'yim* must be opposite one another it is necessary to measure to assure that they are perfectly aligned. As such he writes that it is best for the two *lechaya'yim* to be thick and angled either into the *mavoi* or out of the *mavoi* so that one is assured that part of one *lechi* is aligned with part of the other.