



## Overview

## Halacha Highlight

### Rectifying a large entrance to a *mavoi*

Shulchan Aruch Siman 363 Seif 34

דלא לשבך פתחא רבא ועייל בזוטא

**That people do not abandon the larger entrance in favor of the smaller entrance**

Shulchan Aruch (סעי' ל"ד) suggests a variety of alternative ways to rectify an entrance to a *mavoi* that is twenty *amos* wide. The basic principle behind each of the suggested methods is to place a board that is wider than the gap that will exist between the edge of the board and the wall. By doing so that space is considered closed and if one does so on each side of the entrance to the *mavoi* one could have a gap of only ten *amos* in the middle which can be rectified with either a *lechi* or a beam. Shulchan Aruch concludes, however, that when employing one of these methods the people should not abandon their use of the primary entrance (i.e., the one that was twenty *amos*) in favor of the smaller entrance. The reason one must be mindful of this is that if the breach becomes the primary way to access the *mavoi* the rectification generated by the *lechi* or beam becomes nullified unless one constructs a *tzuras hapesach* for the small entrance.

Mishnah Berurah (סי"ק קי"ג) references Rav Akiva Eiger who questions the benefit of constructing a *tzuras hapesach* for the smaller entrance once one has nullified the larger entrance from its status as an entrance. He therefore advocates following Tiferes Shmuel who asserts that there is an error in the text of Shulchan Aruch and it should say "larger" rather than "smaller." Meaning, that by constructing a *tzuras hapesach* for the larger entrance, it does not lose its status even if people generally enter through the smaller entrance. Biur Halacha (ס"ג שס"ה סעי' א' ד"ב אסור) writes that by adding a *tzuras hapesach* to a breach it is considered as though the breach is closed and consequently, the rectification that one constructed (i.e., the *lechi* or beam) for the larger entrance is not nullified. Accordingly, it is not necessary to change Shulchan Aruch's text.

- ❖ If a city was surrounded by a mound and then houses were constructed it is prohibited to transport items since the "partition" was not constructed for residential purposes and even constructing a partition ten *tefachim* tall on the ditch is ineffective. If the mound was not ten *tefachim* tall and one added material so that it should reach a height of ten *tefachim* the area is considered enclosed. (M.B. 156)
- ❖ If there is a ditch ten *tefachim* deep and four *tefachim* wide around the city and the ditch became filled with stones, if the area with the stones is not ten *amos* long it is considered an entrance and does not prohibit the area but if it is ten *amos* long one may not transport objects within the city. (M.B. 157)

### Siman 363 Seif 34:

Another rectification for a *mavoi* that is twenty *amos* wide is to place a board three *amos* wide, two *amos* from the wall and then do the same on the other end so that there is an opening of ten *amos* in the middle. Alternatively, one can place a board that is an *amah* and a half, one *amah* from the wall and then place another board that is an *amah* and a half, one *amah* from the first board and then do the same on the other side. Alternatively, one can place a board that is two *amos* and four *tefachim*, two *amos* and two *tefachim* from the wall and then do the same on the other side. Similar solutions can be followed provided that the board is wider than the space between the board and the wall because otherwise the airspace on each side of the board will nullify it. One must be careful not to abandon the large entrance in favor of the small entrance since doing so will nullify the rectification of the *mavoi* unless one makes a *tzuras hapesach* for the smaller entrance.

- ❖ This makes more closed space than open space and the empty space is also considered closed. (M.B. 145)
- ❖ A *lechi* or beam is necessary to permit the *mavoi* and it must be placed over the ten *amah* entrance [and if a *lechi* is used it must also be placed in the ten *amah* entrance]. (M.B. 146)
- ❖ For example a six *amah* board can be placed four *amos* from the wall. (M.B. 147)
- ❖ This would remove the status of an entrance from the large opening thereby rendering the beam or *lechi* invalid and the *mavoi* would be lacking a rectification. (M.B. 149)
- ❖ It should say that one makes a *tzuras hapesach* for the larger one because by doing so it does not lose its status as an entrance. (M.B. 150)

### Siman 363 Seif 35:

The board used to minimize the size of the entrance to the *mavoi* does not have to be a solid piece of board and may even be a series of reeds placed within three *tefachim* of one another since it would then be considered as though it is a solid board.

### Siman 363 Seif 36:

A *mavoi* that is level but slopes as it descends to the public domain or if the entrance to the *mavoi* was level with the public domain but then slopes until the *mavoi* is level, if the slope rises to a height of ten *tefachim* over the distance of four *amos* it is considered as though it is vertical and a further rectification is not necessary (and in this manner the slope constitutes a partition).

- ❖ The area of the *mavoi* is elevated above the area of the public domain and necessitated a slope towards the public domain. (M.B. 152)
- ❖ If it takes five *amos* to rise to a height of ten *tefachim* it is not different than any other ground due to the ease of use. (M.B. 154)