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

Overview

Siman 364 Seif 3:

A *mavoi* that is shaped like a *dalet* is treated as though it is open where it bends and a *tzuras hapesach* is necessary at the bend and the two ends require a *lechi* or beam. Alternatively, one may construct a *tzuras hapesach* at each end and affix a *lechi* or beam at the bend. If it is shaped like a *ches* a *tzuras hapesach* must be constructed at each bend and a *lechi* or beam at the two ends.

- Since it is open to the other section it is as if it is open to the public domain and a *karmelis* and thus it requires a *tzuras hapesach* at the bend. (M.B. 11)
- Since the open section is visible from both sides it must be closed in a manner that is visible from both sides. Our *mavo'os* that according to many authorities, are categorized as yards do not require a rectification at the bend. (M.B. 12)
- We look at the bend as though it is open since people pass through it to go from one end to the other to access the public domain. It is also acceptable to construct a *tzuras hapesach* on each end and two *lechaya'yim* at the two bends. (M.B. 13)

Siman 364 Seif 4:

***Mavo'os* that open to one another and none of their bends lead to the public domain are nevertheless, considered open to the public domain provided that outer *mavoi* opens to the public domain and the same is true concerning the *mavoi* that opens to it and so on.**

- Since the end of the last *mavoi* reaches the public domain, as well as the first one [meaning the one on the other side of the series of *mavo'os*] all of them are considered open and require a rectification. (M.B. 14)

Siman 364 Seif 5:

A *mavoi* shaped like a נדל which is a large *mavoi* that has many smaller *mavo'os* that open to it and the ends of the large *mavoi* open to public domain and even if the smaller ones are not aligned, one must construct a *tzuras hapesach* where the small *mavoi* connects to the large *mavoi* and the other end of the small *mavoi* that connects to the public domain requires a *lechi* or beam. Regarding the large *mavoi*, if it is open one must construct a *tzuras hapesach* on one end and the other end requires a *lechi* or beam. If the *mavoi* is closed on one end the other, open end requires a *lechi* or beam on that end.

- It should say וראשם השניה since each small *mavoi* opens on one end to the public domain or a *karmelis* and the other end to the large *mavoi*. (M.B. 16)
- The wording implies that even when they are aligned a rectification is necessary where the small *mavoi* meets the large *mavoi* and they are not considered one *mavoi* that is straight. (M.B. 17)
- The same is true if there are small *mavo'os* on only one side. (M.B. 18)
- Each one of the small *mavo'os* is categorized as a crooked *mavoi*. (M.B. 19)

Halacha Highlight

A bent *mavoi*

Shulchan Aruch Siman 364 Seif 3

מבוי עקם

A bent *mavoi*

Shulchan Aruch (סעי' ג') discusses a *mavoi* that is bent in the shape of a *dalet*. He rules that we consider it as though it is open in the place where it bends. Consequently, it is necessary to rectify the two ends of the *mavoi* that are adjacent to the public domain. This is accomplished by one of two methods. The first method is to construct a *tzuras hapesach* at the bend of the *mavoi* and then affix a *lechi* or beam at the two ends of the *mavoi*. Alternatively, one may construct a *tzuras hapesach* at each end of the *mavoi* and affix a *lechi* or beam at the bend.

A bent *mavoi* is different from a standard *mavoi* in two regards. The first is that it is not sufficient to affix a *lechi* at both ends to permit transporting items within the *mavoi*. The second difference is that according to Rashi [the basis of Shulchan Aruch's ruling] even if one rectified the two ends of the bent *mavoi* with *tzuras hapesach*, nevertheless, one must also affix a *lechi* to the place of the bend. The rationale behind the first ruling is that a breach in a *mavoi* that people use to gain access to the *mavoi* (בוקעים בו רבים) is four *tefachim*. Therefore, when one *mavoi* is breached to another the fact that the end of the *mavoi* was rectified is not sufficient since the breach into the adjacent *mavoi* is too large. The rationale for the second ruling is that in a bent *mavoi* we require a reminder so that people do not erroneously conclude (if there was no rectification at the bend) that in general only one end of a *mavoi* requires rectification. Below (סי"ק י"ג) Mishnah Berurah rules that when one end of the bent *mavoi* is closed we do not require both rectifications. The reason is that in such a case one *mavoi* does not lead to the public domain and thus it is sufficient to rectify the end that opens to a public domain with a *lechi* (מ"ב מהדי' דרשו אות 9).