

# Choshen Mishpat

## Review Bechinah

Hilchot Chovel, Retzichah, and  
Shemirat HaNefesh (420-427)

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## Directions

Answer each question in a paragraph or more, citing the relevant Gemaras, Rishonim, Shulchan Aruch, Nosei Kelim, and Shu"tim; not everything will immediately seem related if you haven't learned some contemporary Acharonim.

Rabbi Bleich sometimes asks questions that are not immediately on the page of the limud to see how you would think about it given what you know. Even if you never learned about the specific circumstances the question is asking about, you can most probably intuit the two tzedadim of the case and suggest what the Halacha would be according to either side based on the relevant information from our limud.

## Questions Only

### Siman 420

1. Delineate each of the five payment types and how to calculate them nowadays. Can they be paid in installments?
2. A gang of twelve-year old boys gave their classmate an illegal haircut. How should they be punished? What if they were girls?
3. Is journalism a good career for a good Jewish boy or girl?
4. Moshe harmed Aharon, and now Aharon wants to go to his doctor, even though Moshe is offering to take Aharon to Moshe's father, who is an experienced physician. Can Aharon deny the offer?
5. Moshe sees Datan beating up Aviram. Is he allowed to pulverize Datan to save Aviram?
6. David and Yonatan are playing catch outside the dormitory. When David throws a fastball to Yonatan, Chaim sticks his head out the window and intercepts the ball... with his head. Is David Chayav?
7. Elective Surgery - discuss all relevant factors of each case and decide.
  - a. A young lady feels her nose is simply shaped the wrong way for anyone to date her seriously and requests your advice as to the permissibility of getting a nose job. How do you counsel her halachically and pastorally?
  - b. Your four-year-old daughter wants an ear piercing, your nineteen-year-old daughter wants a nose ring, and your twenty-six-year-old, still single daughter wants her unibrow removed. How do you and your wife respond?
  - c. You're twenty-seven years old, single, and shedding heavily from your scalp. All your friends are flying to Turkey to get hair transplants at the behest of their mothers, wives, and mothers-in-law. Should you go also?
  - d. One of your congregants is extremely depressed, overweight, and in need of a fresh start at finding a shidduch. Can he get a liposuction?

## Siman 421

1. Haman's daughter pours the bed pan out the window thinking Mordechai is leading the king's horse and ends up humiliating Haman in front of the entire city of Shushan. How should she be punished?
2. Heshy posts on his status - Twitter, WhatsApp, Facebook, and even Myspace - that Ari stole money from him. The entire Jewish world hears about it in a few minutes, but, when pressed for evidence, Heshy fails to provide any. In the meanwhile, Ari's reputation has been ruined: he's lost his job, friends, deals, etc. How much is Heshy Chayav?
3. Reuven gets a ride with Shimon to the mountains, and Shimon falls asleep behind the wheel and gets into an accident, injuring Reuven. What, if anything, is Shimon Chayav?
4. Two friends get drunk while watching football and start wrestling in front of their other friends. The doctor pushes the software engineer over the couch and breaks his friend's leg, making him unable to drive to work for the next month, and the doctor is left with broken glasses. How much does each have to pay the other?
5. On Hoshana Rabbah, Shmerel beats his Aravot with tremendous Kavanna into the ground but doesn't realize Moosa is kneeling in front of him gently tapping the ground. That evening during Hakafot Shmerel dances wildly into the Moosa, knocking him onto the ground again. What does Shmerel owe Moosa?
6. It's 3:00PM on Shabbat afternoon, and your guests have still not gotten the message that the meal is over, despite your making a zimun and putting away all the food. You try showing them the door, but it seems you'll have to literally kick them out to take your nap. What's the din lechatechilah and bediavad and does anybody disagree?
7. A random stranger punches you in the stomach, and you reflexively punch him back, sending him flying into glass door and right to the hospital for intensive care. What do you have to pay for?
8. Reuven sees Levi beat up Reuven's little brother Shimon in the playground, so he walks over and pulls down Levi's pants in front of everyone. Who is chayav to whom?

## Siman 422

1. Zevulun used to punch Danny every day in high school. Now, Zevulun wants to do teshuvah, but Danny is suspicious that it's ingenuine. What is Zevulun to do?

## Siman 423

1. Reuven accidentally rear ends Sarah's car, causing her to miscarry. Is Reuven chayav? Does it make a difference if Sarah's husband is any of the following?
  - a. Is FFB
  - b. Catholic

- c. Just converted yesterday
- d. Converted last year
- e. Unknown because she did IVF via a sperm bank
- f. Not married to her
- g. Or if Sarah is a surrogate mother carrying a different couple's embryo?
- h. Died after the accident
- i. Died before the accident

### Siman 424

1. Reuven needs a complicated surgery, and his son Shimon is the best surgeon in the area. Can Shimon operate on his father?
2. At "Vehakohanim," Levi, who was half asleep, snaps into action and flings himself and his Hebrew-English Machzor with commentary to the ground. Unfortunately for Avi, who is sitting next to Levi, the Machzor made impact right in his ear. Is Levi chayav?
3. A student slams the door on his teacher's fingers. As a punishment, the teacher smacks him and knocks out a tooth. Who must pay whom? What if the teacher is also his father?
4. Mrs. Silverberg, a successful real estate broker, accidentally crashes her car into Mr. Goldberg, causing him \$25,000 of medical bills and \$20,000 of lost wages. How much does she owe him?

### Siman 425

1. You see Reuven chasing after the following. How do you respond?
  - a. Another Jew with a knife
  - b. Another Jew with a plastic baseball bat
  - c. A married woman to be me'anes her
  - d. His sister
  - e. A non Jewess
  - f. An animal
2. Under what circumstances is abortion permitted and prohibited?
3. Can conjoined twins be separated at the fatal expense of one of their lives?

### Siman 426

1. The pandemic is raging. Does a doctor have to go to the hospital to treat a patient if there's a chance he himself may get infected?
2. Can one donate a kidney to a fellow Jew? What about bone marrow? Was the Halacha ever different and why?
3. Can one volunteer in a combat unit of the Israeli army?

## Siman 427

1. What kind of structure requires a maakeh?
  - a. A standalone house
  - b. Apartment building
  - c. Skyscraper
  - d. School
  - e. Swimming pool
  - f. Ice skating rink
  - g. Roller skate park
  - h. Balcony
  - i. Factory
  - j. Construction site
  - k. Yacht
2. What size and height does the structure have to be?
3. How high does Maakeh have to be?
4. What does the Maakeh have to be made out of? Can one make walls using lavud or gud asik?
5. What Beracha does one recite upon building a Maakeh?
6. Whose obligation is it to put up a Maakeh in a rental?
7. How long does one have to put up a Maakeh?

## Questions & Answers

### Siman 420

1. Delineate each of the five payment types and how to calculate them nowadays. Can they be paid in installments?

The five payment types for Chovel Bachavero are Nezek, Tza'ar, Ripui, Shevet, and Boshet.

1. **Nezek** is the theoretical devaluation of the victim, considering how much he could have been sold for in the slave market before and after the damage (420:3, 15. Rashi and the Rosh debate if we're referring to an Eved Ivri or Eved Kena'ani). For example, if he lost a hand and used his hands in his vocation, that would cause his value to decrease significantly, whereas losing a hand when he never used his hand at work would not be as significant of a loss (420:3. The Maharshah disputes this subjectivity, but the Halacha doesn't follow him (Shach 2)). If the damage is healable, mere swelling, or in a concealed part of his body, then Nezek is not collected (420:5-7). If the skin is broken and will be replaced with a scar, then Nezek is collected (420:14).

2. **Tza'ar** is for the pain inflicted, irrespective of actual wounds or point of impact (420:7,9), and it is measured by how much one would theoretically pay to choose incurring the pain via non-invasive means as opposed to violent, invasive ones. For example, if one's arm was cut off, how much would he pay to have had it amputated with medicine as opposed to a sword. If none of the other categories are being collected and he only felt the sensation of pain, how much he pay to avoid being poked with a red hot iron that would inflict the incurred amount of pain (420:16).
3. **Ripui** is for medical expenses regardless of whether or not actual pain was inflicted: even the cost of medication to heal a skin discoloration can be collected as Ripui (420:10). The expenses need not be for healing the point of impact: even healing any peripheral damage is included in Ripui. For example, if one's tooth is knocked out, he can collect for medications needed to manage the pain and healing of his jaw, even though the tooth is no longer there (420:13). As a takanah for the mazik, basic Ripui is estimated and charged as a lump sum instead of being calculated as a rolling expense, regardless of whether the estimate turns out to be too high or too low (420:18). The mazik can opt to pay per day, but then he is responsible for any unexpected complications and setbacks due to the wound or the wound reopening, but not unrelated ones (420:19). If the victim causes his situation to degenerate by not listening to the doctor's orders, the mazik is not responsible to pay the expenses incurred by the set back (420:20). Even if the mazik is a medical professional who could heal the wounds, the victim has the right to see a different, more experienced doctor (420:21). Similarly, the victim can insist on seeing a more experienced local doctor as opposed to a cheaper doctor from out of town (420:22). The victim cannot sue for the money to pay the expenses himself, because he may opt to keep the money rather than seek medical attention and end up causing the mazik much humiliation (420:23).
4. **Shevet** is workman's compensation for the work he's missing during recovery, determined by his regular wage and career. If he's no longer able to continue his current career due to wounds incurred, that damage is included in Nezek, and his Shevet is determined by the employment and wage he can secure in his current condition (420:17). Merely forcing someone into a room and locking the door, thereby preventing him from going to work, is grounds to collect Shevet; locking the door if he's already in the room is gerama and pattur (420:11).
5. **Boshet** is for humiliation endured during and after the encounter, accentuated by the relative statures of the shamer and the victim (420:24).

Damages are collected immediately upon judgement (420:27 except for Boshet) from the best quality property of the Chovel. (Shach 420:2)

Nowadays without semicha we cannot collect nezek, tza'ar, or boshet, since chavalah is not common and/or there isn't a financial loss, but according to the Geonim and Shulchan Aruch we can be excommunicate the mazik and tell him to appease the victim if he wants to be released. The Rama doesn't even let Beit Din collect Ripui and Shevet but says we tell the mazik to appease the victim (1:2).

2. A gang of twelve-year old boys gave their classmate an illegal haircut. How should they be punished? What if they were girls?

Shaving someone's head is grounds to pay Boshet (420:12) and malkot, too, if they shaved the peyot, as well (Yafeh Lalev ad loc.). It's certainly a terribly damning sin (420:39), but this would be a case of ketanim being mevayesh a katan, so they're peturim from Boshet and not chayavim Malkot, anyway. If they were girls, though, they would be gedolot and chayavot in Boshet, even if their classmate wasn't yet bat mitzvah, since they themselves are benot mitzvah (420:37, 424:8). They would be peturot from Malkot, because they have no issur hakafat peot harosh (Yoreh De'ah 181:6).

3. Is journalism a good career for a good Jewish boy or girl?

No, these people are not fulfilling all the conditions of lashon hara. Their job is to embarrass people, and they never have sufficient evidence before concluding on what the facts are. Might even bear financial liability, too! (Rabbi Reiss Chaburah - <https://www.yutorah.org/lectures/1026253#87Defamation-Cases-in-Beit-Din>)

4. Moshe harmed Aharon, and now Aharon wants to go to his doctor, even though Moshe is offering to take Aharon to Moshe's father, who is an experienced physician. Can Aharon deny the offer?

Even if the mazik is a medical professional who could heal the wounds, the victim has the right to see a different, professional doctor (420:21). Similarly, the victim can insist on seeing a more local doctor who will take greater care to do the job right and maintain his reputation as opposed to a cheaper doctor from out of town (420:22). Similarly, Moshe's father would not be taking much compensation, so he would be less inclined to do a good job (Bava Kamma 85a).

5. David and Yonatan are playing catch outside the dormitory. When David throws a fastball to Yonatan, Chaim sticks his head out the window and intercepts the ball... with his head. Is David Chayav?

No, because the Pasuk says ומצא את רעהו, to exclude one who makes himself available (420:30).

6. Elective Surgery – discuss all relevant factors of each case and decide.

- a. A young lady feels her nose is simply shaped the wrong way for anyone to date her seriously and requests your advice as to the permissibility of getting a nose job. How do you counsel her halachically and pastorally?
- b. Your four-year-old daughter wants an ear piercing, your nineteen-year-old daughter wants a nose ring, and your twenty-six-year-old, still-single daughter wants her unibrow removed. How do you and your wife respond?
- c. You're twenty-seven years old, single, and shedding heavily from your scalp. All your friends are flying to Turkey to get hair transplants at the behest of their mothers, wives, and mothers-in-law. Should you go also?
- d. One of your congregants is extremely depressed, overweight, and in need of a fresh start at finding a shidduch. Can he get a liposuction?

**In general:** It is prohibited to harm one's body, but, as Rav Moshe deduces from the Rambam, the prohibition is specifically for disgraceful damage, not beneficial work. Other purposes are fine, including looking presentable in public. Rav Ovadia was fully on board with Rav Moshe, but the Tzitz Eliezer and Minchat Yitzchak were less so given the potential risks of surgery. These and other poskim were especially wary of full anesthesia.

**Nose job, unibrow removal, liposuction, and hair transplants:** the pain of not being able to get married can be great enough to justify, but a rabbi should assess the situation and offer guidance in living above the mundane. Hair transplants are also problematic in that one will not be able to wear Tefillin Shel Rosh for some time.

**Ear piercings:** Rav Lichtenstein's oldest daughter Esti wanted to have her ears pierced, Rav Aharon said no, chavalah shelo letzorech, so she said "Abba, let's ask Rav Shlomo Zalman." When they went to Rav Shlomo Zalman, he ignored Rav Aharon, made nice to her, smiled, and said "Before Bas Mitzvah, the minhag is to do it." [Rav Willig - the wound is so small, mistama, that's he he said it's ok]

**Nose ring:** Should be no different than earrings, but they're not common enough in our society to really justify.

## Siman 421

9. Haman's daughter pours the bed pan out the window thinking Mordechai is leading the king's horse and ends up humiliating Haman in front of the entire city of Shushan. How should she be punished?

She intended to humiliate Mordechai, not Haman. Even though Haman was a high ranking official in the Persian empire, resulting in immense mortification on her part, since she thought she was pouring it on Mordechai, who was, according to Chazal, a general in the Persian army, the Boshet should theoretically be much less. As such, she

would only have to pay as much as Mordechai would have been humiliated (421:1-2). This might be Purim Torah, as Mordechai was a member of the Sanhedrin, and Haman is quite the opposite, but I'm not sure how we should judge Boshet given these two conflicting planes.

10. Heshy posts on his status – Twitter, WhatsApp, Facebook, and even Myspace – that Ari stole money from him. The entire Jewish world hears about it in a few minutes, but, when pressed for evidence, Heshy fails to provide any, and it turns out the money was in his car the whole time. In the meanwhile, Ari's reputation has been ruined: he's lost his job, friends, deals, etc. How much is Heshy Chayav?

If Heshy genuinely thought Ari robbed him, so the bushah was shelo bechavannah, and he's pattur (421:1).

11. Reuven gets a ride with Shimon to the mountains, and Shimon falls asleep behind the wheel and gets into an accident, injuring Reuven. What, if anything, is Shimon Chayav?

Usually, Adam is Muad leOlam and responsible for all damages even Ones, except, according to Tosafot, perhaps the Rambam, and most likely the Shulchan Aruch, for Ones Gadol (421:3-4).

Falling asleep behind the wheel might at first glance be Ones Gadol, but Rav Ovadia argues it's Tekhilato bePeshia and Sofo beOness, which is Chayav. Shimon shouldn't have been driving if he knew he hasn't gotten enough sleep the night before, and he should have pulled over immediately upon feeling drowsy. As such, he is obligated to pay for Nezek, Tza'ar, Shevet, and Ripui, but not Boshet, as there was no kavanna (Yabia Omer vol. 9 Choshen Mishpat 5).

12. Two friends get drunk while watching football and start wrestling in front of their other friends. The doctor pushes the software engineer over the couch and breaks his leg, making him unable to drive to work for the next month, and the doctor is left with broken glasses. How much does each have to pay the other?

Two people mutually engaged in wrestling implicitly forgive any damage incurred, so neither owes anyone anything (421:5).

13. It's 3:00PM on Shabbat afternoon, and your guests have still not gotten the message that the meal is over, despite your making a zimun and putting away all the food. You try showing them the door, but it seems you'll have to literally kick them out to take your nap. What's the din lechatechilah and bediavad and does anybody disagree?

Shulchan Aruch (421:6) prohibits one from harming unwanted guests in one's domain, even though one may physically remove them. If they refuse to leave, Shulchan Aruch writes "Yesh Omrim" that one may even harm the guest in the process.

At first glance, one would think this is an example of what the SMA famously writes at the beginning of Choshen Mishpat that sometimes Rav Yosef Karo will introduce an opinion in Shulchan Aruch with these words to indicate that the following is a Chiddush not found in more than one sefer, but he still accepts it. However, the working principle here is that עביד אינש דינא לנפשיה מקום דליכא פסידא, which is a machloket in Siman 4. Here, Maran is indicating he follows the opinion that one may indeed act on his own even when there is no loss (Be'er HaGolah, Gilyon Maharsha).

Therefore, one should be allowed to inflict harm on his guests who are preventing him from taking his Shabbat afternoon nap, except Chavalah on Shabbat is assur! Bediavad, if he literally threw or kicked them out, he should be pattur from paying, קם ליה בדרבא מיניה.

14. On Hoshana Rabbah, Shmerel beats his Aravot with tremendous Kavanna into the ground but doesn't realize Yosef Haim is kneeling in front of him gently tapping the dirt while reciting the Ben Ish Hai's extra Tefillot. That evening during Hakafot, Shmerel dances wildly into the Yosef Haim, knocking him onto the ground again. What does Shmerel owe Yosef Haim?

The Rama rules like the Terumat HaDeshen that one is pattur in such cases when everyone is basically mochel, such as dancing during hakafot and Purim. There's no need halachically to beat the daylights out of the aravot, though, so mistama Shmerel is Chayav for that. Shulchan Aruch does not accept the Terumat HaDeshen either way, but in this case, Shmerel can kim li like the Rama.

15. A random stranger punches you in the stomach, and you reflexively punch him back, sending him flying into a glass door and right to the hospital for intensive care. What do you have to pay for?

The door! Fighting back immediately in self-defense is exempt from paying for chavalah (421:13), but saving oneself with another's property is obligated to pay (359:4)! One could argue that he didn't have to punch back so hard in order to defend himself (421:13), but the wounded would bear the burden of proving that.

16. Reuven sees Levi beating up Reuven's little brother Shimon in the playground in front of the entire school, so he walks over punches Levi to save his brother, but that doesn't help. With no option left, Reuven pulls down Levi's pants in front of everyone, humiliating Levi and causing him to wet his pants. Who is chayav to whom?

Levi owes Shimon for chavalah, and Reuven is pattur. According to Maharshal, only someone who is muchzak bekashrut and known to be acting Leshem Shamayim may strike in order to save someone else. The SMA says only one who regularly saves others may do so, with exception for saving relatives (421:13, see Taz ad loc.).

## Siman 422

2. Zevulun used to punch Danny every day in high school. Now, Zevulun wants to do teshuvah, but Danny is suspicious that it's ingenuine. What is Zevulun to do?

He shouldn't be cruel to withhold forgiveness, but if it's not a genuine request, why should he have to forgive?

## Siman 423

2. Reuven accidentally rear ends Sarah's car, causing her to miscarry. Is Reuven chayav? Does it make a difference if Sarah's husband is any of the following?

- a. FFB
- b. Catholic
- c. Just converted yesterday
- d. Converted last year
- e. Unknown because she did IVF via a sperm bank
- f. Not married to her
- g. Or if Sarah is a surrogate mother carrying a different couple's embryo?
- h. Died after the accident
- i. Died before the accident

He has to pay Dmei Veladot, Nezek, Tza'ar, and Ripui, but not Boshet

**FFB** - Chayav to the husband (424:1).

**Catholic** - Chayav to her (424:3).

**Just converted yesterday** - also to her, because he has no relationship to the fetus (424:3).

**Converted last year** - same as FFB.

**Not married to her** - Chayav (SMA 10).

**Sperm donor not married to her** - Chayav if we know who he is (as above).

**Or if Sarah is a surrogate mother carrying a different couple's embryo** - Lichaorah this is a red herring: there's only one father either way, but we should still probably investigate the status of a mamzer when a married woman is impregnated by somebody else...

**Died after the accident** - pay his heirs. If he was a ger, the Chovel is zocheh and pattur (423:1-2).

**Died before the accident** - pay her even if he was a ger (423:1-2).

## Siman 424

5. Reuven needs a complicated surgery, and his son Shimon is the best surgeon in the area. Can Shimon operate on his father?

Chavalah to one's parents is prohibited even Beshogeg, so this is prohibited, except, of course, for pikuach nefesh.

6. At "Vehakohanim..." Levi, who was half asleep, snaps into action and flings himself and his Hebrew-English Machzor with commentary to the ground. Unfortunately for Avi, who is sitting next to Levi, the Machzor made impact right in his ear. Is Levi chayav?

Chayav only for Nezek (421:10), except you're pattur for Nezek beShogeg on Yom Kippur (424:2).

7. A student slams the door on his teacher's fingers. As a punishment, the teacher smacks him and knocks out a tooth. Who must pay whom? What if the teacher is also his father?

The child is pattur (424:8). If the victim is his son, he should be chayav (424:7), but since it was to teach him a lesson, he's pattur both due to the parental relationship and due to the educational one (Pitchei Teshuvah 4).

8. Mrs. Silverberg, a successful real estate broker, accidentally crashes her car into Mr. Goldberg, causing him \$25,000 of medical bills and \$20,000 of lost wages. How much does she owe him?

She doesn't owe him anything until she is either divorced or widowed, unless she has nichsei milug she can sell betovat hana'ah to pay the bills (424:9).

## Siman 425

4. You see Reuven chasing after the following. How do you respond?
- Another Jew with a knife
  - Another Jew with a plastic baseball bat
  - A married woman to be me'anes her
  - His sister
  - A non Jewess
  - An animal

In any case where Reuven may kill someone or sleep with an Ervah, he must be stopped even at the cost of his life (425:1, 3). Cohabiting with a Non-Jewess is קנאים פוגעים בו (425:4).

#### 5. Under what circumstances is abortion permitted and prohibited?

There's a grand discussion regarding the exact prohibition to perform an abortion and its applications in various cases in Chazal (Mitat Beit Din, saving the mother (424:2), Pikuach Nefesh of the fetus on Shabbat) and modern-day medicine (saving the mother, saving the child from a short and painful or severely handicapped life).

Maharit says the Issur is Chavalah. Rav Moshe thinks it's a forgery and argues that it's Retzicha, so he strongly disputed Rav Waldenberg's permission to abort a Tay Sachs fetus.

Tzitz Eliezer ... held one can abort until seven months in.

Rav Willig

Rav Ovadia

#### 6. Can conjoined twins be separated at the fatal expense of one of their lives?

### Siman 426

#### 1. Is one obligated to endanger himself to save other Jews?

- a. The pandemic is raging. Does a doctor have to go to the hospital to treat a patient if there's a chance he himself may get infected?
- b. Can one donate a kidney to a fellow Jew? What about bone marrow? Was the Halacha ever different and why?
- c. Can we exchange terrorists for Jewish captives?
- d. Can one volunteer in a combat unit of the Israeli army?

Today there's almost no sakanah in these donation surgeries, so they are certainly permitted. At their inception, there was more concern, so some poskim prohibited them. Ask your rabbi if you are obligated to volunteer, though.

See Rabbi Sultan's Chaburah <https://www.yutorah.org/lectures/1076917/Risking-Your-Life-to-Save-Someone-Else> and Halachipedia for all the details [https://halachipedia.com/index.php?title=Medical\\_Ethics#Endangering\\_Yourself\\_to\\_Save\\_Someone\\_Else](https://halachipedia.com/index.php?title=Medical_Ethics#Endangering_Yourself_to_Save_Someone_Else)

## Siman 427

1. What kind of structure requires a maakeh?

a. A standalone house:

Yes, if it's flat/usable

b. Apartment building:

As above, Chiyuv on all the residents

c. Skyscraper:

Not if no one lives there or goes to the roof

d. School:

Not if no one lives there or goes to the roof

e. Swimming pool:

No, since you can see it

f. Ice skating rink:

g. Roller skate park

h. Balcony

i. Factory

j. Construction site:

Yes (427:8)

k. Yacht

2. What size and height does the structure have to be?

4x4 amot (as by Mezuzah) and 10 tefachim tall (427:2, 7).

3. How tall does Ma'akeh have to be?

Minimum 10 tefachim (427:5). Ask your rabbi how tall that is, but even Rav Ovadia says it's good to be machmir for the Chazon Ish and also just round up to 100cm (Halichot Olam vol. 7 pg 172-175).

4. What does the Maakeh have to be made out of? Can one make walls using lavud or gud asik?

It has to be sturdy enough to withstand pushing (427:5). If a kid could fall through the gaps, one is still in violation of the issur (Rav Heinenmann in the name of Rav Aharon Kotler).

5. What Beracha does one recite upon building a Maakeh?

If one is building it himself, the Rambam (Berachot 11:12) says לעשות מעקה, and if others are building it for him, they say על עשיית מעקה. Due to the omission of this beracha from Shulchan Aruch, many are at odds as to whether any beracha should be recited at all, but the Ben Ish Hai (Shanah 11 Pinchas 4) and Rav Ovadia say the minhag is to recite it (Yabia Omer vol. 8 Orach Chaim 22:26). Some also add Shehechyanu.

6. Whose obligation is it to put up a Maakeh in a rental?

The Socher, but there's what to argue about (314:2).

7. How long does one have to put up a Maakeh?

Right away (Yafel LaLev 6-8, Rav Elyashiv).