



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Gimmel

- The Gemara presents another version of the previous Gemara. The Gemara says, the talmidim felt that "mechitza" refers to a division of the chatzer (not any type of physical wall), as this word is used to mean this way in a pasuk, and the Mishna can be saying that once they have agreed to this division, the other partner can be forced to pay his share of erecting a wall. We can learn from here that hezek re'iyah is considered to be a true damage.
 - The Gemara says, it may be that the word mechitza refers to a proper wall as we see in a Braisa regarding klayim. This would mean that the Mishna is saying that a proper wall is built only because they both have agreed to it, but if only one wanted it, he could not force the other to pay for half the wall. We see from here that "hezek re'iyah" (loss of privacy) is not considered to be true damage (because if it was, the other partner could be forced to pay for the wall).
 - **Q:** If mechitza means a wall, why does the Mishna then say "they place a wall..."? It should say "they place it"!?
 - **Q:** Even according to the first understanding, if mechitza means a division, why does the Mishna then say, "Partners who want to make a mechitza", and not "Partners who want to divide", which would be a clearer use of words!? **A:** This is not a question. The reason the Tanna used this verbiage is because it is used when people speak.
 - **Q:** If hezek re'iyah is considered to be a true damage, then why does the Mishna give the case of where the partners "agreed" to divide the chatzer? Even if they didn't agree, one partner should be able to force the other to divide and build a wall for privacy!? **A: R' Assi in the name of R' Yochanan** said, our Mishna is discussing a chatzer that does not meet the minimum size requirements that would allow for one partner to force a division of the chatzer. That is why it says that they "agreed" to divide the chatzer.
 - **Q:** What is the Mishna teaching with that case? There is a Mishna that teaches that if both partners agree, even a smaller chatzer can be divided!? **A:** From that Mishna we would say that if an agreement was made to divide such a small chatzer, one could not force the other to build a wall, rather a dividing marker would have to suffice. Our Mishna teaches that he can even be forced to build a proper wall.
 - **Q:** If so, why do we need the other Mishna at all? **A:** That Mishna is needed for the later case, that says that seforim may not be divided.
 - **Q:** If the Mishna is talking about a case where the chatzer is smaller than the required amount to allow for forcing a division, then even if they agreed, why can't they always go back on the agreement? What binds them? **A: R' Assi in the name of R' Yochanan** said, the case is where a kinyan was made to obligate them to stick to the agreement.
 - **Q:** Even so, it is a simply kinyan on words, which is not koneh!? **A:** They made a kinyan chalipin to be koneh their respective side, so the kinyan is effective. **R' Ashi** said, the case is where they each made a chazaka on their side, and thereby made a kinyan.

MAKOM SHENAHAGU LIVNOS...

- "Gvil" are unsmoothed stones, "gazis" are smoothed stones, "kfinin" are half-bricks, and "liveinin" are full bricks.
 - **Q: Rabbah the son of Rava** asked **R' Ashi**, why do you assume that gvil is unsmoothed stones, and the extra tefach of space that they need (as is seen in the Mishna) is to

allow for the rough protrusions? Maybe it is half of a smooth stone, and the extra tefach is for the cement that is put in between these two halves, just like the difference between kfsin and liveinin!? **A: R' Ashi** said, how do you know that kfsin are half bricks? It is based on a kabbalah that you have. We know that gvil is unsmoothed stones based on a kabbalah as well.

- **Another version** of this conversation was similar, only that the question was posed that maybe kfsin are unsmoothed bricks. The same answer is given.
- **Abaye** said, we can learn from the Mishna that the cement in between half bricks must be a tefach. Now, this is only if it is made of pure mud. However, if there are pebbles mixed into the mud, more space is needed.
 - **Another version** is that a tefach is only needed if there are pebbles in the mud. If there are no pebbles, less than a tefach is needed.
- **Q:** Does the Mishna mean to give a ratio of width to height? For example, does the Mishna mean to say that smoothed stones need 5 tefachim of width for every 4 amos of height for the integrity of the wall? This can't be, because we know that the wall separating the Kodesh from the Kodshei Kodashim was made of such stones, and was 6 tefachim wide and 30 amos tall!? **A:** The extra tefach of width allowed it to stand even at so great a height.
 - **Q:** Why was it that during the second Beis Hamikdash they did not build this wall (and a curtain was used instead)? **A:** A wall with a width of 6 tefachim can stand at 30 amos tall, but not taller, and in the second Beis Hamikdash the walls were 40 amos tall. We see this from a pasuk which is darshened to teach that the second Beis Hamikdash was greater than the first Beis Hamikdash.
 - **Q:** Why didn't they build a 30 amah wall and leave the rest with a curtain? **A:** A wall of that thickness and height of 30 amos can only stand if it is plastered into the ceiling.
 - **Q:** Why didn't they build a wall as high as such a thickness would allow, and hang a curtain for the rest of the height? **A: Abaye** said, we have a kabbalah that the separation must be either entirely of a wall (like the first Beis Hamikdash) or entirely of a curtain (like the Mishkan), but not a combination of the two.
- **Q:** Do the thicknesses of the various walls that are given in the Mishna include the measurement after plastering, or is that the width before plastering? **A: R' Nachman bar Yitzchak** said, it makes sense to say it is including the plaster, because if not, the Mishna should have given the thickness of the plaster needed as well.
 - **Q:** It may be that the measurement is without the plaster, and the reason the thickness of the plaster is not given is because it is less than a tefach, and we don't teach measurements that are less than a tefach? **A:** That is not true, because we see that the Mishna does give half-tefach measurement regarding the thickness of some of the walls.
 - That is no proof, because there is a half-tefach on each side, which combines to a full tefach, and that may be why it is mentioned.
 - **Q:** A Mishna says that a "korah" (used to make a doorway for purposes of Shabbos) must be wide enough to hold a half-brick, which is half of a 3 tefach brick. This is certainly not talking about having plaster on it, and we see that these are the measurements without the plaster!? **A:** The Mishna there states that it is referring to large bricks. That means that average bricks are of smaller size, which means that when our Mishna says 3 tefachim, it is including the thickness of the plaster.
- **R' Chisda** said, one may not destroy a shul until a replacement is built. Some say this is out of concern that a new one will not be built, and some say it is out of concern that people should always have a place to daven. The difference between the reasons would be if there is another shul in which people can daven in the meantime.
 - **Mareimar and Mar Zutra** would build a new summer shul in the winter and a new winter shul in the summer (following the second reason given).
 - **Q: Ravina** asked **R' Ashi**, what if all the money for the new shul was already collected and given to the shul officers? **A: R' Ashi** said, we have to be concerned that a pressing

need for the money (like ransoming a captured person) will come about and the money will be used for that.

- **Q:** What if the bricks and beams are already delivered? **A:** We have to be concerned that a pressing need for the money (like ransoming a captured person) will come about and they will sell the materials and use the money for that.
 - **Q:** If we are so concerned, we should be concerned that the new shul itself will be sold to raise money for a pressing need like this? **A:** People would not sell the shul.
- This is only if we don't see cracks in the building. If we do, it can be demolished immediately. **R' Ashi** did this to the shul in Mata Mechasya and then moved into the construction site so that the people feel pressured to see it completed.
- **Q:** Based on **R' Chisda's** halacha, how could **Bava ben Buta** have advised Hurdus to demolish the Beis Hamikdash and then rebuild it? **A:** Either we can say that there were cracks in the old one, or we can say that Hurdus was a king, and a king will not go back on his word (so we can be sure that it will be built).