



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

Bava Basra Daf Samach

MISHNA

- In a jointly owned chatzer, a person may not open a door opposite someone else's door, or a window opposite someone else's window. If he had a small doorway or window already there, he may not make it larger. If he had one, he may not make it into two. However, one may open a door or window towards the reshus harabim even if it is opposite someone else's door or window. Also, if he had a small one open to the reshus harabim, he may make it larger, and if he had one he may make it into two.

GEMARA

- **Q:** How do we know that this may not be done? **A: R' Yochanan** said, we learn from the pasuk regarding Bilam, that when he saw the tents of the Yidden, where no door faced the door of another, he said that these people are worthy of having the Shechina rest among them.

HAYA KATAN LO YAASENU GADOL

- **Rami bar Chama** thought to say that he may not make a doorway that was 4 amos into a doorway that is 8 amos, because the halacha is that when a chatzer of partners is divided, each gets a piece equal to the width of their doorway, and by widening it in this way he may eventually end up with a larger piece of the chatzer. However, he thought to say that if the doorway was only 2 amos wide (in which case he would anyway get a piece of the chatzer 4 amos wide opposite the doorway, because each partner gets at a minimum a piece 4 amos wide opposite his doorway) he would be allowed to widen it to 4 amos wide. **Rava** told him this is not so, because the partner could tell him, "When you have the narrower doorway I am able to hide myself from you if I want privacy in the chatzer, but with the wider doorway that becomes more difficult for me to do".

ECHAD LO YAASENU SHNAYIM

- **Rami bar Chama** thought to say that it is only taking a doorway that was 4 amos wide and making it into two doorways of 2 amos wide each, that is not allowed, because that would entitle him to a piece of the chatzer 8 amos wide in the event that the chatzer is divided (each doorway gets a minimum piece that is 4 amos wide). However, he thought to say that it would be permitted to take a doorway that was 8 amos wide and make it into two doorways of 4 amos wide each (which would not entitle him to a larger piece of the chatzer upon division). **Rava** told him this is not so, because the partner could tell him, "When you have one doorway I am able to hide myself from you if I want privacy in the chatzer, but with two doorways that becomes more difficult for me to do".

AVAL POSEI'ACH HU L'RESHUS HARABIM...

- This is allowed, because the other person must anyway conceal himself from the people of the reshus harabim, so adding a door or window does not detriment him at all.

MISHNA

- One may not dig a bor underneath the reshus harabim (it may eventually cause the street to cave in), but **R' Eliezer** says it is mutar as long as the roof is strong enough to hold a wagonload of stones as it goes over it (although it may still cause it to cave in at a later time).
- One may not have a balcony or a beam stick out into the reshus harabim. If he wants to do so, he may pull back his house from the boundary of the reshus harabim and then have these things protrude into that area.
 - If someone bought a chatzer in which the houses have balconies or beams sticking out into the reshus harabim, we assume a chazakah that it is allowed.

GEMARA

- **Q:** Why do the **Rabanan** say it is assur to dig the bor even if the roof is very strong? **A:** They are concerned that over time the roof may rot and people will not realize.

EIN MOTZI'IN ZIZIN...

- **R' Ami** had a beam that protruded into the adjacent mavuy. There was another person who had a beam that protruded into the reshus harabim. The people of the reshua harabim complained about the beam of that person and **R' Ami** ordered him to remove it. The person said to **R' Ami** "you also have a protruding beam!" **R' Ami** said, "mine protrudes into a mavuy, and the people of the mavuy allow me to do so. Yours protrudes into the reshus harabim, and there is no one to allow for you to do so, on behalf of the public".
- **R' Yanai** had a tree that overhung the reshus harabim. Another person had a tree that overhung the reshus harabim as well. People complained to **R' Yanai** about the tree of this other person. Before paskening on the case, **R' Yanai** first had his own tree cut down. He then ordered this person to cut down his tree. When the person said "you also have a tree that overhangs the reshus harabim!", **R' Yanai** responded, "go look at my tree – if mine is cut down, yours must be cut down as well".
 - **Q:** What did **R' Yanai** initially hold (that he allowed his tree to be there) and then later hold? **A:** Initially he held that the public would like his tree there, because it provided shade for them. Later, when he realized that the people complained about the trees, he had his cut down.
 - **Q:** Why did he make sure to cut his down before ordering the other person to cut his down? **A:** That was based on the statement of **Reish Lakish**, in which he darshens a pasuk to teach that one should first deal with his own aveiros before worrying about the aveiros of others.

AVAL IHM RATZA KONEIS L'TOCH SHELO...

- **Q:** If a person pulled back his wall from the boundary, but did not end up sticking out his balcony or beam into the reshus harabim, can he still do so at a later time? **A:** **R' Yochanan** said that he may, and **Reish Lakish** said that he may not.
 - **R' Yaakov** said to **R' Yirmiya bar Tachlifa**, I will explain the machlokes to you. All agree that he may stick out the balcony or beam at a later date. The machlokes is whether he may later move back his wall to the boundary as it was initially. The shitos are actually reversed, and **R' Yochanan** holds that he may not do so, because he holds like **R' Yehuda** who says that once the public begins to establish a right-of-way, it may not be taken from them, and **Reish Lakish** holds that he may, because he holds this is different than the case of **R' Yehuda**, because in this case there is plenty of room for the public to go.

LAKACH CHATZER UBAH ZIZIN...

- **R' Huna** said, if a house in the chatzer collapsed, it may be rebuilt in the same way (with the balcony or beam sticking out into the reshus harabim).
 - **Q:** A Braisa says that after the Churban one may not build a house with lime or other fancy designs, but if one bought a house with this preexisting, he may keep it. However, if that house were to collapse, it may not be rebuilt with the lime, etc. We see that a house may not be rebuilt to preexisting conditions if they are not now allowed!? **A:** In a case of issur that is true, but our case is a case of monetary law, and therefore it would be allowed.
 - A Braisa says, after the Churban one may not plaster his house with lime, but if he adds sand or straw into the lime, it is mutar. **R' Yehuda** said that adding sand will strengthen it, and it would therefore be assur, but adding straw would make it mutar.
 - A Braisa says, after the second Churban many Yidden decided not to eat meat or drink wine. **R' Yehoshua** asked them, why are you not eating meat or drinking wine? They said, how can we eat meat that used to be brought on the Mizbe'ach or drink wine that would be poured on the Mizbe'ach (they were doing so as a showing of mourning)? **R' Yehoshua** said, if so, don't eat bread either, because that would be used for the Korbon Mincha! They agreed and said they would only eat fruit. He told them, you shouldn't eat fruit, because that would be brought as Bikkurim! They agreed and said they would eat other fruits. He told them, you shouldn't drink water, because water used to be poured on the Mizbe'ach. To that they were quiet, and realized that their approach was not the

proper approach. **R' Yehoshua** told them, I will explain the proper way to mourn over the Churban. The **Rabanan** have said that one may plaster his house, but should leave one area without plaster. **R' Yosef** says the area should be one square amah, and **R' Chisda** says it should be opposite the door. **R' Yehoshua** continued, a person may have a nice meal, but should leave out something. A woman may apply makeup, but should leave out something. We see that one must mourn the churban, based on the pasuk of "ihm eshkeich Yerushalayim....ahl rosh simchasi".

- **Q:** What is meant by "ahl rosh simchasi"? **A:** **R' Yitzchak** said, this refers to the ashes that are placed on the head of a chosson. **Abaye** explained to **R' Pappa** based on a pasuk, that these ashes are to be placed in the place where the tefillin shel rosh is worn.
- **R' Yehoshua** concluded by darshening a pasuk to teach, that one who mourns over the Churban will merit to see it rebuilt and will rejoice.
- A Braisa says, **R' Yishmael ben Elisha** said, from the time of the Churban we should really not eat meat or drink wine, but we cannot impose a gezeira on the public which most people cannot live by. Also, from the time that the Romans decreed their evil decrees to prevent us from doing Torah and mitzvos and from making a bris milah or pidyon haben, we should be goizer that we should no longer get married and have children. However, we do not make such a gezeira, because we rather that the people do so as a shogeg than as a meizid (which is what would happen if we had made the gezeirah).

HADRAN ALACH PEREK CHEZKAS HABATIM!