

A בס"ד

Intro

Today we will learn בע"ה of בבא בתרא כ of דף כ
Some of the topics we will learn about include.

A continuation discussion of שמואל's Halachah

רקיק אינו ממעט בחלון

If a person sealed a window with a thin cracker that cannot become טמא such as it was במי פירות, kneaded with fruit juice which does not achieve a טומאה, nevertheless the רקיק cannot prevent the טומאה from passing through, because as Rashi explains

כיון דראוי לאכילה

לא מבטל להתם דנהוי כמחיצה

Since the cracker is somewhat edible and still has use, it is assumed that he will remove it from there, and was not מבטל it, and it is therefore not a valid sealant.

The Mishnah's Halachah of

לא יעמיד אדם תנור בתוך הבית

אלא אם כן יש על גביו ארבע אמות

A person may not place an oven in the first floor of a shared house, unless there was a distance of four אמות above the oven until the ceiling, and

A

רקיק
אינו ממעט בחלון

לא יעמיד אדם תנור
בתוך הבית
אלא אם כן יש על גביו
גובה ארבע אמות

B בעלייה

צריך שיהא תחתיו מעזיבה שלשה טפחים

If he wants to place the oven on the second floor of a shared house, in addition to the four אמות above the oven, it also requires a layer of plaster of three טפחים thick on the floor below the oven.

The Mishnah's Halachah of regarding מחלוקת תנא קמא ורבי שמעון

ואם הזיק

If these precautions were taken, and the oven nevertheless caused damage to the neighbor, whether the owner is obligated to compensate him or not?

The Mishnah's Halachah of

לא יפתח אדם חנות של נחתומין ושל צבעין

תחת אוצרו של חבירו

ולא רפת בקר

One may not open a bakery, or a dyer's facility, or a stall for animals, under his neighbor's storage room, because the fumes are detrimental to his neighbor's produce.

However

אם היתה רפת קודמת לאוצר

מותר

If the stall was made BEFORE the storage room, the stall is permitted.

The Gemara's question if the room was only designated for storage before the stall was made, but there was no produce stored inside yet, whether the stall is permitted or not?

B

בעלייה
צריך שיהא תחתיו
מעזיבה שלשה טפחים

מחלוקת תנא קמא ורבי שמעון
ואם הזיק

לא יפתח אדם
חנות של נחתומין ושל צבעין
תחת אוצרו של חבירו
ולא רפת בקר

1 So let's review ...

The Gemara in the previous Daf cited שמואל's Halachah of רקיק אינו ממעט בחלון
 A thin cracker, although it cannot become טמא because it was גילש במי פירות, kneaded with fruit juice which does not achieve טומאה, nevertheless a רקיק cannot prevent טומאה from passing through, because as Rashi explains כיון דראוי לאכילה לא מבטל להם דנהוי כמחיצה
 Since the cracker is somewhat edible and still has use, it is assumed that the owner was not מבטל it, and it is not a valid sealant.

1

Rashi says
רקיק אינו ממעט בחלון

A thin cracker, although it cannot become טמא because it was גילש במי פירות, kneaded with fruit juice which does not achieve a טומאה, cannot prevent טומאה from passing through

כיון דראוי לאכילה
 לא מבטל להם דנהוי כמחיצה

2 The Gemara continues to question שמואל from a Braisa:
 עשבין שתלשן והניחן בחלון
 או שעלו מאליהן בחלונות
 If a person sealed a window with cut grass, or the grass
 grew in on its own;

OR he sealed the window with one of the following;
 ומטלוניות שאין בהן שלש על שלש
 Patches that are less than 3 x 3 אצבעות;

OR
 והאבר והבשר המדולדלין בבהמה ובחיה
 A limb or meat that was hanging from a live animal,
 domesticated or undomesticated;

OR
 ועוף ששכן בחלון
 A live bird rested in the window; OR

ועובד כוכבים שישב בחלון
 A non-Jew sat in the window; OR

ובן שמונה המונח בחלון
 A child born after eight months was lying in the window;
 OR

והמלח וכלי חרס וספר תורה
 Salt, an earthen utensil, or a Sefer Torah were placed in the
 window;

כולם ממעטין בחלון
 They are all considered a valid sealant and the טומאה
 cannot pass through, because all these items cannot
 become טמא.

אבל השלג והברד והגליד והכפור והמים
 כולן אין ממעטין בחלון
 However, if either snow, hail, ice, or water were placed in
 the window, although they cannot become טמא,
 nevertheless they are not considered a valid sealant and
 the טומאה can pass through,

because as Rashi explains
 הואיל ונימוקים מאיליהם
 ואם ינטל הכלי אין עומדים בפני עצמן
 These items are not durable, and they cannot stand on their
 own without their container.

2

עשבין שתלשן והניחן בחלון
 או שעלו מאליהן בחלונות

If a person sealed a window with cut grass,
 or the grass grew in on its own; OR
 he sealed the window with one of the following;

ומטלוניות
 שאין בהן שלש על שלש

Patches that are less than 3 x 3 אצבעות; OR

והאבר והבשר המדולדלין
 בבהמה ובחיה

A limb or meat that was hanging from a live animal,
 domesticated or undomesticated; OR

ועוף ששכן בחלון

A live bird rested in the window; OR

ועובד כוכבים שישב בחלון

A non-Jew sat in the window; OR

ובן שמונה המונח בחלון

A child born after eight months
 was lying in the window; OR

והמלח וכלי חרס וספר תורה

Salt, an earthen utensil,
 or a Sefer Torah were placed in the window;

כולם ממעטין בחלון

They are all considered a valid sealant
 and the טומאה cannot pass through,
 because all these items cannot become טמא.

אבל השלג והברד והגליד והכפור והמים
 כולן אין ממעטין בחלון

However, if either snow, hail, ice, or water
 were placed in the window, although they cannot become
 טמא, nevertheless they are not considered a valid sealant
 and the טומאה can pass through,

As Rashi explains

הואיל ונימוקים מאיליהם


ואם ינטל הכלי אין עומדים בפני עצמן


These items are not durable, and they cannot
 stand on their own without their container.

3 The Gemara asks; why are the items in the רישא considered valid sealants? Since they each have some sort of usage, he will certainly remove them from the window, and he was not מבטל them?

The Gemara proceeds to explain, and elaborate, that the Braisa refers to situations in which each one of these items has no usage at all, and therefore the owner WAS מבטל them.

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3 
*Why are the items in the רישא considered valid sealants?
 Since they each have some sort of usage,
 he will certainly remove them from the window,
 and he was not מבטל them?*


*The Gemara proceeds to explain,
 The Braisa refers to situations in which
 each one of these items has no usage at all,
 therefore the owner WAS מבטל them.*

4 Zugt Di Mishnah
 לא יעמיד אדם תנור בתוך הבית
 אלא אם כן יש על גביו גובה ארבע אמות
 One may not place an oven in the first floor of a shared house, unless there is a distance of four אמות from above the oven until the ceiling, because as Rashi explains
 כדי שלא יאחזו האור בתקרה
 So that the ceiling does not catch fire;

היה מעמידו בעלייה
 צריך שיהא תחתיו מעזיבה שלשה טפחים
 If he wants to place the oven on the second floor of a shared house, in addition to the four אמות above the oven, the floor also requires a layer of plaster three טפחים thick under the oven, because
 שלא תבער תקרה תחתונה של עלייה
 So that the floor, which is also the ceiling of the first floor, does not catch fire;

ובכירה טפח
 In the case of a stove that has a smaller fire, it is sufficient if the floor has a layer of plaster only one טפח thick.

4 
**לא יעמיד אדם תנור בתוך הבית
 אלא אם כן יש על גביו
 גובה ארבע אמות**
*One may not place an oven in the first floor
 of a shared house, unless there is a distance of four אמות
 from above the oven until the ceiling,*

*As Rashi explains
 כדי שלא יאחזו האור בתקרה
 So that the ceiling does not catch fire;*

**היה מעמידו בעלייה
 צריך שיהא תחתיו מעזיבה
 שלשה טפחים**
*If he wants to place the oven on the second floor
 of a shared house, in addition to the four אמות above the oven,
 the floor also requires a layer of plaster three טפחים thick
 under the oven, because*

*שלא תבער תקרה תחתונה של עלייה
 So that the floor, which is also the ceiling of the
 first floor, does not catch fire;*

ובכירה טפח
*In the case of a stove that has a smaller fire,
 it is sufficient if the floor has a layer of plaster
 only one טפח thick.*

5 The Gemara cites a contradicting Braisa
 בתנור ארבעה
 ובכירה שלשה
 An oven requires a floor four טפחים thick, and a כירה
 requires a floor three טפחים thick.

And the Gemara explains that the Braisa refers to
 בדנחתומין
 The oven of a baker, in which the fire burns all the time;
 therefore, the plaster of the floor, must be thicker.
 While the Mishnah refers to
 דבעל הבית
 The oven of a private person, where the fire burns less;
 therefore, the plaster may be thinner.
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5 *בריתא*

בתנור ארבעה – ובכירה שלשה

An oven requires a floor four טפחים thick,
 and a כירה requires a floor three טפחים thick.

The Braisa refers to
בדנחתומין
 The oven of a baker,
 in which the fire burns
 all the time; therefore,
 the plaster of the floor,
 must be thicker.

The Mishnah refers to
דבעל הבית
 A private person's oven,
 where the fire burns
 less; therefore,
 the plaster may be
 thinner.

6 The Mishnah continues
 ואם הזיק
 And if despite these precautions, the oven caused damage
 to the neighbor above or below, there's a Machlokes:
 The תנא קמא holds
 משלם מה שהזיק
 The owner is liable for compensation.
 And Rashi adds that even though he is liable,
 מעכבין עליו השכנים להרחיק בכל השיעורים הללו
 שמה ידליק בתיהם ואין לו מה לשלם
 The neighbors can demand that he take these precautions,
 because in the event that their homes are burned down, he
 might not have the means to compensate them.

רבי שמעון disagrees and says
 לא אמרו כל השיעורין האלו
 אלא שאם הזיק פטור משלם
 If these precautions were taken, the owner is exempt from
 compensation, because this is then considered an אונס,
 since he took all the required precautions.
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6 *The Mishnah continues...*

ואם הזיק

And if despite these precautions,
 the oven caused damage to the neighbor above or below,

רבי שמעון
**לא אמרו כל השיעורין האלו
 אלא שאם הזיק
 פטור משלם**

*If these precautions were
 taken, the owner is exempt
 from compensation,
 because this is then
 considered an אונס,
 since he took all the
 required precautions.*

תנא קמא
משלם מה שהזיק

The owner is liable
 for compensation.

*And Rashi adds
 even though he is liable,
 מעכבין עליו השכנים
 להרחיק בכל השיעורים הללו
 שמה ידליק בתיהם
 ואין לו מה לשלם*

*The neighbors can demand
 that he take these precautions,
 because in the event that their
 homes are burned down,
 he might not have the means
 to compensate them.*

7 The Mishnah continues
 לא יפתח אדם חנות של נחתומין ושל צבעין
 תחת אוצרו של חבירו
 ולא רפת בקר
 One may not open a bakery, or a dyer's facility, or a stall
 for animals, under his neighbor's storage room, because
 the fumes are detrimental to his neighbor's produce.
 However,
 באמת ביין התירו
 If the neighbor was storing wine barrels, it depends:
 חנות של נחתומין ושל צבעין is permitted, because as the
 Gemara explains
 מפני שמשביחו
 Their fumes enhance the wine.
 אבל לא רפת בקר
 But a stall is still forbidden,
 מפני שמסריחו
 Because the bad odor spoils the wine;
 =====

7 *The Mishnah continues...*
**לא יפתח אדם
 חנות של נחתומין ושל צבעין
 תחת אוצרו של חבירו
 ולא רפת בקר**
*One may not open a bakery,
 or a dyer's facility, or a stall for animals,
 under his neighbor's storage room, because
 the fumes are detrimental to his neighbor's produce.*
 However,
באמת ביין התירו
*If the neighbor was storing wine barrels,
 it depends...*

**אבל
 לא רפת בקר**
*A stall is still forbidden,
 מפני שמסריחו
 Because the bad odor
 spoils the wine;*

**חנות של נחתומין
 ושל צבעין**
*is permitted,
 מפני שמשביחו
 Their fumes
 enhance the wine.*

8 The Gemara cites a Braisa
 תנא אם היתה רפת קודמת לאוצר מותר
 It is only if the storage room was there BEFORE the stall,
 that the stall is forbidden; but if the stall was there
 BEFORE the storage room, the stall is permitted.

8 **כתיבא
 תנא
 אם היתה רפת קודמת לאוצר
 מותר**
*Only if the STORAGE ROOM was there BEFORE the stall,
 is the stall forbidden;
 But if the STALL was there BEFORE the storage room,
 the stall is permitted.*

9 However, the Gemara asks;

בעי אביי

כיבד וריבץ לאוצר מהו

What is the Halachah if the owner above only cleaned out the room in preparation for storage before the owner below made a stall, but did not yet bring his produce inside?

Do we say

רפת קודמת

The stall is considered first, because there was no actual produce stored in the room, OR

אוצר קודמת

Because the room was already designated for storage;

And if we assume that

רפת קודמת

Because there were no actual improvements done to make it a storage room;

ריבה בחלונות מהו

What is the Halachah if the owner above installed many windows, but did not yet bring his produce inside?

Do we say as before

רפת קודמת

OR in this case we say

אוצר קודמת

Because as Rashi explains

גלי דעתיה דלאוצר הוא עשוי

שיכנס לו אויר שלא ירקב התבואה

It is apparent that the room is designated for storage, as the windows let in air to keep the produce fresh so that it should not spoil?

And if we assume even in this case that

רפת קודמת

בנה עלייה על גבי ביתו מהו

What is the Halachah if the owner above built a loft for a storage room, but did not yet bring his produce inside?

Do we say as before

רפת קודמת

OR in this case we say

אוצר קודמת

Because as Rashi explains

כולא בניינא להכי עביד

The entire upper story was built specifically for storage.

9

בין אביי

כיבד וריבץ לאוצר מהו

If the owner above only cleaned out the room in preparation for storage before the owner below made a stall, but did not yet bring his produce inside?



Do we say...

רפת קודמת

The stall is considered first, because there was no actual produce stored in the room.

אוצר קודמת

Because the room was already designated for storage.



ריבה בחלונות מהו

What is the Halachah if the owner above installed many windows, but did not yet bring his produce inside?



Do we say...

As before

רפת קודמת

The stall is considered first, because there was no actual produce stored in the room.

In this case we say

אוצר קודמת

Because as Rashi explains גלי דעתיה דלאוצר הוא עשוי שיכנס לו אויר שלא ירקב התבואה It is apparent that the room is designated for storage, as the windows let in air to keep the produce fresh so that it should not spoil?



בנה עלייה על גבי ביתו מהו

If the owner above built a loft for a storage room, but did not yet bring his produce inside?



Do we say...

As before

רפת קודמת

The stall is considered first, because there was no actual produce stored in the room.

In this case we say

אוצר קודמת

Because as Rashi explains כולא בניינא להכי עביד The entire upper story was built specifically for storage.

- 10 The Gemara also asks;
תמרי ורמוני מאי
What is the Halachah if the owner above put dates and pomegranates into the room before the owner below made a stall?
Do we say
אוצר קודמת
Because there was produce in the storage room
OR we say
רפת קודמת
Because, as Rashi explains
אין אוצר אלא בתבואה יין ושמן
A storage room is only one for grain, or wine, or oil.
תיקו
All these questions remain unresolved.

10

תמרי ורמוני מאי
If the owner above put dates and pomegranates into the room before the owner below made a stall?

?

Do we say...

אוצר קודמת <i>Because there was produce in the storage room</i>	רפת קודמת <i>Because אין אוצר אלא בתבואה יין ושמן A storage room is only one for grain, or wine, or oil.</i>
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תיקו