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בס"ז

Intro

Today we will בע"ה learn לדף ג' of מסכת בבא בתרא of מסכת בבא בתרא Some of the topics we will learn about include.

A continuation of the discussion of היזק ראיה שמיה היזק

Whether looking into someone's private yard is considered damage, and forbidden?

The distinction of whether

יש לו דין חלוקה

The yard is large enough so that each partner gets a share of at least four אמות;

OR

אין בו דין חלוקה

The yard was smaller and each partner gets a share of less than four אמות א

The discussion regarding the measurements of a wall built with אית stones.

אמה טרקסין

In the first Bais Hamikdash, a stone wall known as the אמה טרקסין stones to separate between the קודש הקדשים and the היכל, and the base was only six טפחים and the height was thirty.

However, in the second Bais Hamikdash, they did not build a wall, but rather they hung a פרוכת, a curtain of one hundred אמות in height.

לא ליסתור איניש בי כנישתא עד דבני בי כנישתא אחריתי

One may not demolish an old Shul before they build a new Shul.

Some say

משום פשיעותא

Out of concern that some matter might prevent them from building the new Shul;

Others say

משום צלויי

Out of concern that there will be no place to Daven before the new Shul is completed;

אבל חזי בה תיוהא

סתרי ובני

However, they may demolish the old Shul if the structure is not safe.

The Gemara offers two possible reasons why הורדוס demolished the old structure of the second Bais Hamikdash before he built the new one.











So let's review ...

The Gemara continues its discussion whether in a חצר, a courtyard,

היזק ראיה שמיה היזק

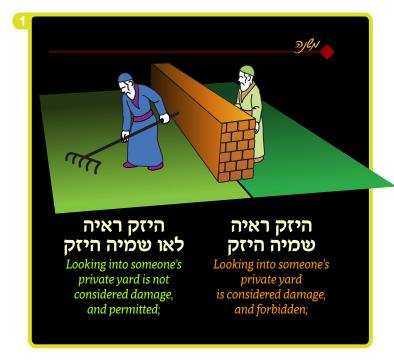
Looking into someone's private yard is considered damage, and forbidden;

OR

היזק ראיה לאו שמיה היזק

Looking into someone's private yard is not considered damage, and permitted;

In the previous Daf, the Gemara explained our Mishnah according to both opinions, and now elaborates on its explanation according to the opinion of היזק ראיה שמיה היזק









The Mishnah says השותפין שרצו לעשות מחיצה מאי מחיצה פלוגתא

וכיון דרצו בונין את הכותל בעל כורחן

The word מחיצה refers to a division;

And the Mishnah teaches that once they agreed to divide their yard, they are Halachically obligated to build a dividing wall, because

היזק ראיה שמיה היזק

And accordingly, כשיש בה דין חלוקה

אפילו לא רצו נמי

In a large enough yard, in which each person would get a portion of at least four אמות, they are obligated to both divide the yard and build a wall, even if they did not agree to a חלוקה, to prevent היזק ראיה.

#### However,

משנתנו כשאין בה דין חלוקה

והוא דרצו

Our Mishnah must be referring to a small yard, in which each person would get less than four אמות, and therefore only if they agreed to this חלוקה, they are obligated to build a wall to prevent היאק, but if they did not agree to this חלוקה, they are not obligated to divide the yard.

The Gemara asks however,

אי בשאין בה דין חלוקה

כי רצו מאי הוי

נהדרו בהו

Even if they did agree to a חלוקה, why are they obligated to build a wall? Let them retract from their agreement?

רבי יוחנן explains that the Mishnah refers to בשקנו מידן ברוחות

Each person chose one side of the yard and they performed a קנין חליפין to finalize their decision. Therefore, they cannot retract from their division, and must build a wall to prevent היזק ראיה.

רב אשי explains that the Mishnah refers to כגון שהלך זה בתוך שלו והחזיק וזה בתוך שלו והחזיק

Each partner chose one side of the yard and performed a in the property to acquire his side. Therefore, they cannot retract and must build a wall.

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וכיון דרצו בונין את הכותל בעל כורחן

The word 33 nn refers to a division;

And the Mishnah teaches that once they agreed to divide their yard, they are Halachically obligated to build a dividing wall,

because

היזק ראיה שמיה היזק

And accordingly

כשאין בה דין תלוקה כשיש בה דין תלוקה אפילו לא רצו נמי

In a large enough yard, in which each person would get a portion of at least four אמות, they are obligated to both divide the yard and build a wall, even if they did not agree to a היזק ראיה to prevent, חלוקה.

והוא דרצו

Our Mishnah must be referring to a small yard in which each person would get less than four אמות, and therefore only if they agreed to this תלוקה, they are obligated to build a wall to prevent היוק, היוק.

אי בשאין בה דין חלוקה כי רצו מאי הוי נהדרו בהו

Even if they did agree to a חלוקה, why are they obligated to build a wall? Let them retract from their agreement?

כגון שהלך זה בתוך שלו והתזיק וזה בתוך שלו והחזיק

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one side of the yard and performed a קנין חליפין to finalize their decision. Therefore, they cannot retract, and must build a wall to prevent היזק ראיה.







The Gemara continues to explain the Mishnah:

מקום שנהגו לבנות גויל

זה נותן ג' טפחים

וזה נותן ג' טפחים

If the custom was to build a wall with גויל, which the

Gemara explains as

אבני דלא משפיא

Rough stones;

Whose standard width is six טפחים;

Each partner gives three טפחים of land from his side for the area upon which the thickness of the wall will be built.

כגזיח

זה נותן טפחיים ומחצה

וזה נותן טפחיים ומחצה

If they use גזית, which the Gemara explains as

אבני דמשפיא

Smoothed stones:

Whose standard width is five טפחים;

Each partner gives אפחים ליס for the wall.

The Gemara also explains that which the Mishnah teaches

בכפיסין

זה נותן טפחיים

וזה נותן טפחיים

כפיסין

Are

ארחי Half-bricks:

Whose standard width is 1½ טפחים;

Therefore, two half-bricks plus a טפח of mortar

in-between, is four טפחים wide, and each partner gives two טפחים.

בלבינין

זה נותן טפח ומחצה

וזה נותן טפח ומחצה

לבינין

Are

ליבני

Whole bricks;

Whose standard width is three טפחים;

And each partner gives אים אום.

After some discussion, the Gemara concludes

גמרא גמירי לה

These definitions are known by tradition.

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The Gemara concludes גמרא גמירי לה These definitions are known by tradition.







4 The Gemara assumes למימרא דבגזית דכל ד' אמות גובה אי הוי פותיא חמשא קאי

אי לא לא קאי

From the Mishnah we learn regarding a wall built with גזית stones, that only a base of five טפרים wide can support a height of four אמות. However, a base of less than five שולים wide cannot support a height of four אמות. And as Rashi explains;

לגובה שמונה

צריך י' טפחים רוחב

One would need a base of ten טפחים wide to support a height of eight אמות.

A proportion of 5 טפחים width per 4 אמות height;



However, the Gemara asks; והא אמה טרקסין הא אמה דהואי גבוה תלתין אמהתא דהואי גבוה תלתין אלא שית פושכי ולא הוה פותיא אלא שית פושכי

In the מקדש ראשון, the first Bais HaMikdash, a wall known as the מאות אמה אמה אמה אמה אוו אנזית stones to separate between the אמה and the קודש הקדשים at a height of thirty אמות, and the base was only six טפחים wide, and it stood despite not having the above-mentioned proportion?

The Gemara explains כיון דאיכא טפח יתירא קאי

Once the base has an additional sixth now, it can support greater heights that exceed this proportion.











ובמקדש שני

לא עבוד אמה טרקסין

In the second Bais Hamikdash they could not build a stone wall because the height was one hundred אמות; and כי קאי בתלתין קאי

טפי לא קאי

A base of six טפחים can support a height of only up to thirty אמות, but not more.

#### And

וניעבדו תלתין אמין בבנין ואידך ניעביד פרוכת

They could not build a wall thirty אמות high, and above that, a curtain seventy אמות high, because

כי קאי תלתין אמהתא נמי

אגב תקרה ומעזיבה הוה קאי

A base of six טפחים can support a height of thirty אמות only with additional support from the ceiling above; but if a פרוכת separates between the wall and ceiling, the wall would collapse.









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וליעביד מה דאפשר בבנין

וליעביד אידך פרוכת

And they could not build a lower wall that does not require the additional support of the ceiling, and above that a curtain for the remainder, because

גמירי

אי כולהו בבנין

ממקדש

The separation must be either a complete wall, as in the first Bais Hamikdash, OR

כולהו בפרוכת

ממשכן

A complete curtain as in the Mishkan, but it cannot be partially a wall and partially a curtain.

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The Gemara proceeds with a discussion related to the construction of the second Bais Hamikdash:

אמר רב חסדא

לא ליסתור איניש בי כנישתא

עד דבני בי כנישתא אחריתי

One may not demolish an old Shul before they build a new Shul.

Some say

משום פשיעותא

Out of concern that something might prevent them from building the new Shul; and therefore

בדאיכא דוכתא לצלויי

אסור

Even if they have another location where to Daven, it is still forbidden.

Others say

משום צלויי

Out of concern that there will no place for Davening before the new Shul is completed; and therefore בדאיכא דוכתא לצלויי

מותר

If they have another location where to Daven, it is permitted.

לא ליסתור איניש בי כנישתא עד דבני בי כנישתא אחריתי

One may not demolish an old Shul before they build a new Shul.

## משום צלויי

Out of concern that there will no place to Daven before the new Shul is completed; and therefore

### בדאיכא דוכתא לצלויי **מותר**

If they have another location where to Daven, it is permitted.

## משום פשיעותא

Out of concern that something might prevent them from building the new Shul; and therefore

### בדאיכא דוכתא לצלויי **אסור**

Even if they have another location where to Daven, it is still forbidden.







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רב אשי ruled

גבו זוזי ומחתי

אסור

Even if they collected the entire amount of money needed for the new Shul, it is still forbidden to demolish the old Shul. And even

שריגי ליבני

והדרי הודרי

ומחתי כשורי

If all the building materials were already purchased for the new Shul, it is forbidden, because

דילמא מיתרמי להו פדיון שבויים

ויהבי להו

Perhaps a need to redeem a Jewish captive will arise and the money and materials for the new Shul will be given away for this important Mitzvah.

The Gemara concludes

ולא אמרן אלא

דלא חזי בה תיוהא

It's forbidden to demolish the old Shul first, only if it is structurally safe:

אבל חזי בה תיוהא

סתרי ובני

However, they may demolish the old Shul first, if it is structurally unsafe.

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### גבו זוזי ומחתי אסור

Even if they collected the entire amount of money needed for the new Shul, it is still forbidden to demolish the old Shul.

שריגי ליבני והדרי הודרי ומחתי כשורי

Even if all the building materials were already purchased for the new Shul, it is forbidden, because

## דילמא מיתרמי להו פדיון שבויים ויהבי להו

Perhaps a need to redeem a Jewish captive will arise and the money and materials for the new Shul will be given away for this important Mitzvah.

# ולא אמרן אלא דלא תזי בה תיוהא

It's forbidden to demolish the old Shul first, only if it is structurally safe;

# אבל חזי בה תיוהא סתרי ובני

However, they may demolish the old Shul first, if it is structurally unsafe.



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#### The Gemara asks accordingly

ובבא בן בוטא

היכי אסביה ליה עצה להורדוס

למיסתריה לבית המקדש

Why did אטום בבא בן בוטא advise הורדוס to first demolish the old structure of the Bais Hamikdash, and afterward build the new structure?

The Gemara offers two answers:

1.

Either, because

בונווכו, becaus תיוהא חזא ביה

The old structure was not safe, OR

2.

מלכותא שאני

דלא הדרא ביה

With a monarch, there is no concern of a retraction; as שמואל says

אי אמר מלכותא עקרנא טורי

עקר טורי ולא הדר ביה

If a monarch promises to uproot a mountain, he will uproot the mountain, and will not retract.





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