

Bava Basra – Simanim

פרק א - השותפין

דף יא – Daf 11

1. The *tzedakah* of Binyomin Hatzaddik and King Munbaz

Binyomin Hatzaddik was in charge of the communal *tzedakah* fund. A woman came to him during a famine, but he swore that the fund was empty. She said that without sustenance, she and her seven children would die, and he gave her from his own money. Later, Binyomin became deathly ill, and the מלאכים cried out: רבונו של עולם – *Master of the world!* – אתה אמרת כל המקיים נפש אחת מישראל – *You said that whoever preserves one Jewish life – is considered like he preserves an entire world, and Binyomin Hatzaddik, who kept alive a woman and her seven children, – should die after these few years of life?! The decree was immediately torn up, and twenty-two years were added to his life. A Baraisa relates that King Munbaz gave away of his treasuries and his ancestors' treasuries during years of famine, and his family was upset that he was depleting wealth built over generations. Munbaz explained six benefits of his actions over his fathers': they hoarded wealth below the ground, in a place accessible by others, which does not produce fruits, is only money, is for others to use, and for this world. Munbaz was "storing" his wealth in Heaven, in a secure place, which produces fruits, he "stored" lives saved, for himself, and for עולם הבא.*

2. Requisite size for forcing division of a shared property, and providing space for entrances

The next Mishnah teaches how large a jointly owned property must be in order for one partner to demand a division. For example, a *chatzeir* requires four *amos* for each partner. It concludes: זה הכלל – *This is the rule: כל שיחלק ושמו עליו חולקין – anything which would be divided and retains its name, we divide.* If not, neither partner can force a division. The Gemara adds that space is also required in a *chatzeir* to allow four *amos* in front of each entrance to enable unloading. Thus, a *chatzeir* would require eight *amos* for each partner. Rav Huna said: –חצר מתחלקת לפי פתחיה – *a chatzeir is divided according to its entrances.* Thus, if one house has two entrances and the other has one, the first house receives two-thirds of the *chatzeir*, and the other receives one-third. Rav Chisda says each entrance receives four *amos*, and the rest of the *chatzeir* is divided equally. A Baraisa supports Rav Chisda's opinion.

3. Resident of a מבוי enclosing the area in front of his entrance

Rav Huna said that if a resident of a מבוי wants to enclose the area opposite his *chatzeir's* entrance to the שמרבה עליהן – *the other residents of the מבוי can prevent him from doing so, because it will increase the way for them, since they will have to walk around the enclosure.* Rav Huna is challenged from a Baraisa, discussing five חצירות along the length of a מבוי, which opens at one end into a street. It states: כולן משתמשות עם החיצונה – *all of [the מבוי's residents] may use the area opposite the outermost [chatzeir], which they pass through to reach the street, and the outermost [chatzeir's] residents only have a right to use their own area by their chatzeir.* The innermost *chatzeir's* residents have rights to all areas of the *chatzeir*, and no others have rights to the area by their *chatzeir*. Rav Huna, on the other hand, implies that any resident can prevent any *chatzeir* from enclosing their entrance area, regardless of location! The Gemara concludes that it is a *machlokes* Tannaim.

Siman – Stars (Eleven stars in Yosef's dream)

The *gabbai tzedakah* who gave away his personal eleven golden stars to save a woman and her seven sons during a famine, divided his star shaped courtyard with his partner, each receiving four *amos* for the courtyard and four *amos* for their doorways, and tried to block the area in front of his *chatzeir* leading to the מבוי but was prevented by the other residents who didn't want that.

The Zichru Maseches Bava Basra Program

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3 things to remember

1. The *tzedakah* of Binyomin Hatzaddik who gave personally to woman and her seven children
2. Requisite size for forcing division of a shared property, and providing space for entrances
3. Resident of a מבוּי enclosing the area in front of his entrance

