

Bava Basra – Simanim

דף נח – 58 Daf

פרק ג – חזקת הבתים

1. Rebbe Bana'ah entering מערת המכפלה

Rebbe Bana'ah would mark the borders of burial caves so people could avoid becoming *tamei* by walking over them. When he approached the cave where Avraham was buried, he found Eliezer, Avraham's servant, standing at the entrance (the Rashbam quotes a source that Eliezer never died). Eliezer told him that Avraham was lying in Sarah's arms, and she was looking at his head. Rebbe Bana'ah asked Eliezer to announce his arrival and seek permission for him to enter, and Avraham said: ליעול מידע ידיע דיצר בהאי – עלמא ליכא – *"Let him enter; it is known that there is no desire in this world, and I have no need to conceal myself from him."* He entered and measured its dimensions, but when he approached the cave where Adam was buried, a קול בת went forth: נסתכלת בדמות דיוקני – *"You have gazed at the likeness of My image (i.e., Yaakov); do not gaze at My image itself (i.e., Adam)!"* He was told how to determine its dimensions from the outside. Rebbe Bana'ah said: נסתכלתי בשני עקיביו – *I gazed at [Adam's] two heels from outside, חמה – and they were like two globes of the sun.*

2. Rebbe Bana'ah's wisdom

A man once gave instruction for dividing his estate, leaving "a barrel of earth" to one son, "a barrel of bones" to another, and "a barrel of soft material" to a third. They did not understand what he meant, until Rebbe Bana'ah explained that "earth" referred to land, "bones" referred to animals, and "soft material" referred to quilts. In another incident, a man overheard his wife berating his daughter, saying, "Why are you not discreet with transgressions (of immorality)? I have ten sons, and only one is actually from your father!" The father instructed his entire estate to be given to his "one son." Rebbe Bana'ah told the sons: עד דקאי ומגלי לכו להי מיניכו – *"Go bang on your father's grave, זילו חבוטו קברא דאבוכון – until he rises and reveals to you to which of you he left his estate."* All the sons went to do so except one, because *mamzerim* are brazen by nature, and the one legitimate son was not. Thus, Rebbe Bana'ah awarded the estate to the true son. The sons informed on Rebbe Bana'ah to the authorities that he was judging cases without proof, and he was imprisoned. After demonstrating his wisdom to the authorities, he was appointed to judge their cases.

3. The *chazakah* of a מרזב – drain spout

The next Mishnah states: המרזב אין לו חזקה – *A drain spout (through which water flows off of a gutter) has no chazakah to remain where water is dripping onto his neighbor's property, חזקה – but its place has a chazakah.* These spouts were not permanently attached, but moved from one place to another, so the neighbor's silence is not proof of an acquired right. Three interpretations are given: (1) Shmuel says a מרזב has no *chazakah* מרוח אחת – *from one specific side of the gutter, i.e., the owner is not entitled to keep the מרזב on the side of the gutter where it was until now and can be required to move it to the other side.* But "its place" has a *chazakah*, משתי רוחות – *from one of the two sides, i.e., he cannot be forced to entirely remove it.* (2) Rebbe Chanina explains: שאם היה ארוך מקצרו – *that if it was unnecessarily long, he must shorten it* if the neighbor demands it but cannot be forced to remove it. (3) Rav Yirmiyah bar Abba explains: שאם רוצה לבנות תחתיו בונה – *that if [the neighbor] wishes to build under [the מרזב], he may build there, but he cannot force the owner to remove it.*

Siman – Noach Goldberg the Zookeeper

The servant standing at the entrance of a **very holy cave full of light** next to a zoo, didn't let **nine brazen "sons" enter who were searching for their father's grave**, while the tenth son helped Noach Goldberg the Zookeeper **move a drain spout on top of the lion's cage, that was dripping onto a neighbor's property.**



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3 things to remember

1. *Rebbe Bana'ah entering מערת המכפלה and what he saw*
2. *Rebbe Bana'ah's wisdom – ex. Identifying which one of a man's ten sons was legitimate*
3. *The chazakah of מרובט – drain spout*

