

Bava Basra - Simanim

TP C - 20 Daf

פרק ב – לא יחפור

1. Why an idolator or בן שמונה in an opening reduces the size for tumah

A Baraisa lists numerous items which reduce an opening regarding *tumah* of a תת spreading into the next room. The Gemara explains why each item will not be moved, and therefore qualifies to reduce the opening's size. Among the cases is an idolator (who is not susceptible to *tumah*) sitting in the opening, and he cannot walk away because the case is where he is tied up. The Gemara asks that his friend will untie him and concludes that he is בחבושי מלכות – a prisoner of the government, so no one will untie him. The Baraisa says that a בן שמונה – baby born of an eight-month pregnancy lying in an opening would reduce its size. Since it is not viable, it is not considered a person with regard to *tumah*. The Gemara asks that its mother will come and carry it away, and answers that the Baraisa's case is on Shabbos, and a Baraisa teaches: הרי הוא כאבן ואסור לטלטלו בשבת – he is like a stone, meaning muktzeh, and forbidden to move on Shabbos. Tosafos adds that the baby will die on Shabbos and be buried there and will never be moved.

2. Safety requirements for ovens in houses

The next Mishnah states: לא יעמיד אדם תנור בתוך הבית אם אליעמיד אדם תנור בתוך הבית מוסיפות אליעמיד אדם תנור בתוך הבית אות אם אליעמיד אדם תנור בתוך הביו גובה ארבע אמות – anless there are four amos of airspace above it, so it does not set the ceiling on fire and spread to other houses. If it is in an upper story, three tefachim of plaster must be underneath to prevent the floor from catching fire. Regarding a כירה – stove, only one tefach of plaster is required. אמרו בין הדיק משלם מה שהזיק – If it damaged someone's property after keeping to these requirements, he must pay for the damage. Rebbe Shimon argues: אמרו כל השיעורין האלו אלא שאם – they only said these measurements so that if he damaged, he is exempt from paying. The Gemara asks that another Baraisa requires four tefachim beneath an oven, and three beneath a stove!? Abaye answers that the Baraisa refers to the ovens and stoves of bakers, which require thicker floors because they are constantly lit. Our standard oven is equal to a baker's stove, and both require three tefachim underneath.

3. The right to protest commercial activities in a *chatzeir*

The Mishnah states that if a resident of a *chatzeir* opens a store in the *chatzeir*, another resident can protest: איני יכול לישן מקול הנכנסין ומקול היוצאין – *I cannot sleep because of the noise of* [your customers] *entering and leaving* the *chatzeir.*" However, one may manufacture utensils in the *chatzeir*, and go out and sell them in the marketplace, and another cannot protest and say, איני יכול לישן – "I cannot sleep," איני יכול לישן – "because of the noise of the hammer," הריחים – or "because of the noise of the mill," איני יכול התינוקות – or "because of the noise of the children." The Gemara asks why in the first case, a resident may protest against outside customers entering and leaving the *chatzeir*, but in the final case, cannot protest the noise of children (which presumably means children purchasing his goods). Abaye explains that the last case refers to residents protesting customers entering another *chatzeir*, but Rava objects that the Mishnah cannot refer to another *chatzeir*. Instead, Rava explains the Mishnah refers to براد של בית רבן – schoolchildren, that one cannot protest outside children entering his *chatzeir* to learn Torah, because of a Rabbinic decree discussed on the next Daf.

Siman – Café

The café with a "wanted" goy tied up and sitting in the window, blocking the טומאת from spreading to the room next door, which had a pastry oven with four amos of venting room above it, to protect the floor above, was being picketed by members of the chatzeir who claimed they can't sleep from all the noise from customers coming to get their morning coffee.

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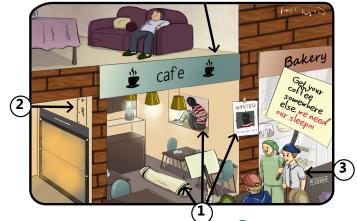
Café



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things to remember

- 1. Why an idolator in an opening reduces the size for *tumah*
- 2. Safety requirements for ovens in houses
- 3. The right to protest commercial activities in a *chatzeir*



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