

OVERVIEW of the Daf

1) Herod (cont.)

Herod's test of Bava ben Buta is recounted.

The Gemara marvels at the beauty of the Beis Hamikdash constructed by Herod.

The permissibility of Bava ben Buta's giving advice to Herod is unsuccessfully questioned.

Proof that Daniel was punished for advising Nevuchadnetzar is cited.

2) Clarifying the Mishnah

The halacha that is included by the Mishnah's use of the term הכל is identified.

The novelty of the Mishnah's ruling that the land and materials of the wall is split between the two partners is explained.

A contradiction between two inferences of the Mishnah is noted as to whether under ordinary circumstances it is necessary for partners to construct a partition.

Abaye offers a resolution to the contradiction.

Rava rejects this interpretation and offers his own resolution.

R' Huna defines the term חזית used in the Mishnah.

The Gemara discusses the defining features of the חזית.

A second version of the Gemara's discussion related to a חזית is recorded.

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REVIEW and Remember

1. What was unique about the way Herod built the Beish HaMikdash?
2. What is a חזית?
3. Why is it necessary for each partner to put a sign on a wall that was jointly constructed?
4. What is the point of dispute between R' Huna and Chiya bar Rav?

Today's Daf Digest is dedicated
 By Mr. and Mrs. Jeff Cagan
 In loving memory of their mother
 Mrs. Sylvia Cagan
 מרת חנה צירל בת אברהם, ע"ה

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Distinctive INSIGHT

Payment for his portion in the first three walls

אתמר רב הונא אמר הכל לפי מה שגדר, חייא בר רב אמר הכל לפי דמי קנים בזול

A field belonging to one person was surrounded on four sides by fields owned by someone else. Walls were built by the owner of the outside fields on all four sides of the fields, at which point the middle field was secured. R' Yose rules that at this point, the owner of the surrounded field must contribute not only to the expense of the fence on the fourth side, but towards the expense of the first three sides as well.

R' Huna holds that the owner of the surrounded field must pay for his portion in the full cost of the actual materials used for the fence (לפי מה שגדר). Chiyya bar Rav contends that he only has to pay his part in the expenses of a standard fence of reeds and branches (קנים), which is a cheaper but adequate material that could have been used to protect the field. If a more expensive material was used, he does not have to pay for his part in the costs of the that more expensive material.

Ramban explains that the dispute between these Amoraim hinges upon how each understands the assumed need to build a fence around one's field. The halacha is that if a stranger enters the field of someone else and plants it without permission, if the field was destined to be planted, the stranger may ask for payment for his services. Similarly here, R' Huna understands that a field is in need of having a fence, and when it is completed, the one surrounded must pay even though he was not consulted about the fence and its materials. Chiyya bar Rav holds that although a field is destined to be fenced in, it is only assumed that this will be done with nothing more elaborate than sticks and reeds.

Yad Rama explains that the expenses are divided between the owner of the surrounding fields and the owner of the surrounded field, and it is done proportionately to the square footage each has within the enclosure. We first calculate the cost of the entire fence, and we then determine how many square amos of land each has within the fenced-in area. If the surrounded field comprises only one third of the entire area, its owner will pay only one third of the cost of the fence.

Shulchan Aruch (C.M. 158:7) rules according to the view of R' Huna, that the owner of the surrounded field must pay the full value of the materials actually used, whether it is he who built the fourth wall or it was built by the owner of the outside fields. This is the case when the fourth and final wall was built with the stronger material. But, if the fourth and final wall was finished with reeds and sticks, he would only have to pay for his part in the first three walls as if they would have been built from reeds and sticks. ■

HALACHAH Highlight

Contributing towards the construction of a partition built by the surrounding neighbor

ר' יוסי אומר אם עמד וגדר את הרביעית מגלגלין עליו את הכל
 R' Yosi stated: If he got up and constructed a fence on the fourth side we make him pay for the entire fence

Shulchan Aruch¹ discusses the case of one who owns property that contains a collapsed building that is surrounded by other properties with collapsed buildings². The halacha is that if the owner of the surrounding properties erects a fence on three sides so that the inner property and the outer properties are separated on three of the four sides, the owner of the inner property cannot be held responsible to pay for any of those walls. The reason is that having property surrounded on only three sides does not provide secure protection for the property, and thus he does not have to pay for something from which he has no benefit. Once the fourth wall is constructed it cannot be denied that the owner of the inner property is benefitting from the presence of the wall, and he can be held responsible to contribute towards the cost of the wall.

The amount that the owner of the inner property must pay is half the expenses of the wall up to a height of four amos. Since anything above four amos does not provide him with any greater protection he does not have to share in the cost of that part of the wall. The reason the height of four amos is considered standard in a property that contains a collapsed building is that it is considered a place where people live, and a four amos wall is necessary to prevent an occurrence of הרע³. In contrast, there is a dispute⁴ regarding the necessary height of a partition that is constructed in a garden or a valley. In those locations Rambam maintains that a partition of only ten tefachim is sufficient. Since people are not commonly found in

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R' Yochanan suggests another method by which the owner of the wall can prove that he alone paid for the wall to be built.

This method is unsuccessfully challenged.

R' Nachman presents the method of demonstrating ownership of a wall made from palm fronds.

Alternative methods are suggested and rejected.

3) A jointly owned wall

R' Ashi explains why it is necessary for both owners to take steps to demonstrate ownership of a jointly-owned wall.

Rava challenges this explanation, forcing Ravina to qualify the Mishnah's ruling.

4) MISHNAH: The Mishnah discusses when someone can be forced to pay for a wall constructed by his neighbor.

5) Clarifying R' Yosi's position

R' Yehudah in the name of Shmuel rules in favor of R' Yosi's position and states that we force a neighbor to pay towards the wall constructed by the other neighbor regardless of who built the fourth wall.

R' Huna and R' Chiya bar Rav disagree whether he must pay for half the actual fence or half of what a cheap fence would cost.

The explanation of Chiya bar Rav is challenged because it does not provide a clear point of dispute between Tanna Kamma and R' Yosi.

Four different explanations of the dispute are presented. ■

those places, the issue of עין הרע is negligible and the purpose of the partition is to clearly mark the boundary of the field so that no one should be able to walk around and claim that they did not realize that they were on someone else's property. ■

1. שרייע חר״מ ס״י קמ״ח סעי׳ ו׳.
2. ע״ש בסמ״ע ס״יק י״א למה נקט חורבה במקום שדה.
3. סמ״ע שם ס״יק י״ב.
4. שרייע סעי׳ ג׳.
5. ע׳ סמ״ע סק״ו. ■

STORIES Off the Daf

Ocean blue

”דמחזי כי אידוונתא דימא...”

Our sages tell us that the sea resembles the sky, which reflects the Throne of Glory. Many people wonder what this means, but for those who live on a higher spiritual plane, there is no question.

Once time, when the Lev Simcha, zt”l, of Gur, visited Teveria, he gazed at the Kinneret and said, “There is an interesting Gemara in Perek HaSefinah.¹ There we find that when a big wave threatened to

capsize a ship, they would strike it with a stick which had the shem hameforash etched onto it.”

As he said this his deep feeling of closeness to Hashem was palpable to all those present. It was clear to all that he had much more to say and after a few minutes of silent longing, the rebbe continued. Those present than understood what had moved him to such an extent. “Even today, we can discern the shem hameforash on the waves themselves. Their beauty and order reveal the Divine. As the verse states: קול ה' על המים – Hashem's voice is upon the water.”

“This is the meaning of the Gemara in Bava Basra 4 as well,” the rebbe continued. “There we find that Herod used marble of a grayish-brown hue, while others say that he used bluish stones. When he completed his construction he thought to use cover the walls with gold, but the sages told him to leave them since they have the appearance of waves which delight the eye.”² As we learn from the Chovos Halevavos, one way to attain love of Hashem is through contemplating the beauty and order of His creation.³ ■

1. בנא בתרא ע״ג
2. לבם של ישראל, ח״ב, ע׳ ק״ל
3. ע׳ שער אהבת ה׳, פ״ג, ושער הבחינה, פ״ד ■