

OVERVIEW of the Daf

1) Closing another's window

R' Nachman rules that Reuven establishes an immediate chazakah if he builds a wall in front of Shimon's window without Shimon's protesting.

2) Increasing traffic in a courtyard

The Gemara notes that the Mishnah presents contradictory implications whether increasing traffic in a courtyard is grounds for protest.

R' Huna explains the meaning of the Mishnah.

3) MISHNAH: The Mishnah continues to discuss issues related to opening windows and doors.

4) Explaining the Mishnah

R' Yochanan cites the source for the Mishnah's ruling that one may not open a window or door opposite a friend's window or door.

Rami bar Chama assumed that one may widen a doorway up until four amos since a doorway of less than four amos is anyway given four amos in the courtyard.

Rava disagreed and explained that any widening of the opening is not permitted.

Rami bar Chama and Rava also disagree about the parameters of the Mishnah's ruling related to converting one door into two.

The reason one may open a doorway opposite another's if the public domain separates their doorways is explained.

5) MISHNAH: The Mishnah discusses activities that impact on the public domain.

6) Clarifying the Mishnah

The reason Rabanan prohibit digging under the public domain is explained.

An incident is presented that clarifies the Mishnah's halacha related to extending a ledge or balcony into the airspace of the public domain.

Another related incident is presented.

7) Extending a ledge into the public domain

(Continued on page 2)

REVIEW and Remember

1. What makes the Jewish People worthy that the Divine Presence should rest upon them?

2. What is the point of dispute between Rabbanan and R' Eliezer?

3. According to R' Yaakov, what is the point of dispute between R' Yochanan and Reish Lakish?

4. Why did R' Yehoshua oppose the institution of sweeping decrees to commemorate the destruction of the Beis Hamikdash?

Distinctive INSIGHT

An inspiration to Bilaam

וירא את ישראל שכן לשבטיו-מה ראה? ראה שאין פתחי אהליהם מכוונין זה לזה

Bilaam climbed to a perch overlooking the Jewish nation, from where he "set his gaze toward the desert." (Bamidbar 24:2) Onkelos explains that Bilaam set his sights upon the calf which the Jews had worshiped in the desert, as he aimed to have the Jews condemned for their previous faults and failures. Bilaam hoped that his curse would be firmly established by its being founded on the indignities of the past record of the Jews.

Yet, suddenly, as he set his sights upon the Jewish camp, Bilaam noticed that their tents were arranged so that the doorways were not directly across one from the other, and he was overwhelmed. He then began to pronounce his wonderful blessing of "מה טובו". What was it that impressed Bilaam so that his attitude changed suddenly from one extreme to the other?

Rabbi Avraham Yafen (המוסר והדעת) notes that Bilaam was indeed an evil person. He was jealous of the successes of others, and he craved and coveted money that was not his. The Mishna (Avos 5:17) expounds upon the depraved character of Bilaam. "He who has these 3 things is a disciple of the wicked Bilaam - an evil eye, a haughty spirit and an insatiable soul." Rashi explains that a "good eye" refers to one who is not jealous of what others have, and one who honors the respect and dignity of other people with the same degree of esteem that he sees fit for himself. Rambam and Bertinoro understand a "good eye" to refer to one who lives with proper restraint, and does not indulge in earthly pleasures for their own sake. Bilaam epitomized the opposite of these traits.

Bilaam could not tolerate the success that the Jewish people were experiencing, and he wanted to cast an evil eye upon them. While situated high on the peak of Peor, overlooking the Jewish camp, Bilaam noticed something which appeared quite strange to him. While he had spent his entire life staring with a destructive focus upon other people and their money and possessions, jealously pursuing others and their amassed wealth, here Bilaam observed and beheld a nation whose nature did not allow them to gaze one upon another's physical station. In fact, even the manner in which they camped was designed so that the doorways of each tent did not face each other, in order to guard against one person's watching the happenings in his neighbor's abode.

This sight shook Bilaam to his very soul. In that one moment he was confronted with the lowly depths to which his own soul had fallen. He pondered the lofty and holy station of the Jews, in terms of their conduct between man and his fellow man, as well as in all areas. He then realized that he would never succeed in cursing the Jews, and he decided that they indeed were deserving of a blessing due to their elevated status and unique destiny. ■

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 In honor of their 15th anniversary and
 for the yahrzeit of his father
 ר' ישראל בן ר' שמואל הלוי ע"ה

HALACHAH Highlight

Is it appropriate to remind the tzibbur not to talk until after all the shofar blasts are sounded?

מוטב שיהיו שוגגים ואל יהיו מזידיים

It is better that they should be unintentional violators and they should not be deliberate violators

Tosafos¹ suggests that the principle **מוטב שיהיו שוגגים ואל יהיו מזידיים** – better to allow people to be unintentional sinners rather than deliberate sinners is limited to where one knows with certainty that they will not listen to the rebuke. If, however, there is the possibility that the listeners will accept the rebuke one should not refrain from offering that rebuke.

Rav Moshe Feinstein² was asked whether it is appropriate to announce before shofar blowing on Rosh Hashanah that it is prohibited for a person to talk until after all one hundred blasts are sounded or perhaps such an announcement should not be made. The reason to refrain from making this announcement is the concern that people will not pay attention and it is better to let them talk without realizing that they are doing something wrong than to warn them and have them talk with full knowledge that it is prohibited.

Rav Feinstein answered that it is certainly appropriate to issue such a warning and gave a number of explanations for his ruling. One reason was based on our Tosafos. Since it cannot be said with certainty that the people will not listen, the rebuke must be offered. Additionally, if one is in a circumstance where a majority of the people will heed the rebuke and only a minority will not heed the rebuke one is obligated to give rebuke to the crowd since it is better to make the minority of the group into deliberate sinners rather than allow the majority to sin unintentionally. Another rationale to mandate making this announcement is that the principle **מוטב שיהיו שוגגין וכי** applies only when offering rebuke

(Overview...continued from page 1)

The Gemara inquires whether one who set back his house to extend a ledge and then did not extend the ledge is permitted later to extend the ledge.

R' Yochanan and Reish Lakshih disagree about the halacha in this case.

R' Yaakov asserts that all opinions agree that it is permitted to extend the ledge and the dispute relates to whether the wall that was set back may be moved to its original location.

8) Rebuilding a house

R' Huna rules that one is permitted to rebuild a house that collapses.

This ruling is unsuccessfully challenged.

9) Restrictions enacted following the destruction of the Beis Hamikdash

A Baraisa discusses the restrictions regarding construction that were enacted after the destruction of the Beis Hamikdash.

Another Baraisa presents a discussion whether an enactment should be made against eating meat subsequent to the destruction of the Beis Hamikdash.

The Gemara continues to elaborate on the restrictions enacted by R' Yehoshua to commemorate the destruction of the Beis Hamikdash.

Another Baraisa discusses the thinking behind the enactments implemented after the destruction of the Beis Hamikdash. ■

הדרן עלך חזקת הבתים

but does not apply when one is teaching. In other words, one is permitted to teach halachos even if one is certain that they will not follow those halachos since as a teacher one is obligated to teach. Similarly, if someone asks a question one is obligated to tell him the correct halachos even if it is clear that he will not listen to the halacha. ■

1. תוס' ד"ה מוטב.

2. שו"ת אג"מ או"ח ח"ב סי' ל"ו. ■

STORIES Off the Daf

First things first

"קשוט עצמך ואח"כ קשוט אחרים..."

The Chazon Ish, zt"l, opposed using electricity on Shabbos in Israel. He would remark, "Using electricity on Shabbos is similar to a Jew learning gemara by the light of matches lit for him by a Jewish mechalel Shabbos. And even if the person insists on being mechalel Shabbos in any case, one would not be allowed to read by his light since it is a chilul Hashem in any event. His behavior proves that his fellow Jew's Shabbos violation is a matter of complete indifference to him."¹

He felt that if everyone religious protested the blatant chilul Shabbos of the Jewish workers in the electric company the anti-religious establishment would buckle under the pressure and ensure that they did not violate the halachos of Shabbos. After all, this would not have been very difficult; they merely needed to have only non-Jews working on Shabbos.

But many other poskim justified using electricity on Shabbos with a variety of reasons. When Rav Kooperstock learned this sugya in depth it seemed clear to him that the Chazon Ish was correct and that it really is forbidden to use electricity on Shabbos unless he knows it was generated without chilul Shabbos.

When he wrote Meoros Nosson to ex-

plain his position on this matter, he went to his rebbe, the Tchebiner Rav, zt"l, for his approbation. "I will give you an approbation for your work, but first you must arrange for me to have a generator for Shabbos."

He explained, "In Bava Basra 60 we find that before ruling for another, one must be certain that he cannot be accused of violating the same halachah. As Reish Lakish said, correct yourself before rectifying others."

The generator was installed for quite a high price and the Tchebiner Rav wrote a warm approbation. After handing it over, he smiled and said, "This haskamah cost me 200 lirot!"² ■

1. מעשה איש, ח"א, ע' ק"ו

2. שר התורה, ע' 310 ■

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