

7 Iyar 5777
May 3, 2017



Bava Basra Daf 101

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Burial Areas

The *Mishna* states: If a person sells his friend a burial area (*underground*), or a person agrees to make for his friend a burial area, he must make a cave with a hollow chamber of four by six *amos* (*in the middle of the cave*). He must make eight graves (*that were recessed into the wall*), three on each side (*on the six-cubit side of the inner chamber*) and two next to each other (*on the four-cubit side*). The graves themselves are four *amos* long, seven *tefachim* tall, and six *tefachim* wide. Rabbi Shimon says: He must make the inside of the cave six by eight *amos*. He must make thirteen graves, four on each side of the eight-*amos* side, and three on the six-*amos* side (*opposite the entrance way*). One should be on the right of the doorway (*to the cave*) and one on the left (*the Gemora will explain this statement*).

He also must make a courtyard by the opening of the burial area that is six by six *amos*, which will be enough for the bed of the dead person being brought in by those burying him (*i.e. the funeral procession to the burial*). He must make two caves (*like the one mentioned above*) per burial area, each being open to the courtyard. Rabbi Shimon says: He must make four such caves per courtyard. Rabban Shimon ben Gamliel says: It depends on how hard the rock is in that area. [*The Rashbam explains that the amount of graves in each cave depends on how hard the rock is in the cave. If it is strong, one should make less of a separation between graves and*

therefore make more graves per cave. The Rashbam adds that he thinks this also applies to the number of caves one should make.]

The *Gemora* asks: Where are these two graves that Rabbi Shimon said should be on the left and right of the doorway? If he means that they should be towards the outside of the cave on the right and left of the entrance, they will be constantly stepped on (*by the people in the courtyard*)! [*This is certainly not appropriate, as they will be stepped on by the people standing in the courtyard!?*] Additionally, doesn't the *Mishna* say that if someone is standing in the courtyard of a burial area that he is still *tahor*? [*If the graves are underneath the courtyard, one would certainly become impure in the burial area! This is because it is essentially a tent over a dead body, and whoever goes in there becomes impure!*]

Rabbi Yosi the son of Rabbi Chanina answers: Rabbi Shimon means that one makes two graves that are upright right behind the doorway to the burial area, one on the right and one on the left. [*In other words, there is a six *tefachim* wide area on each side of the doorway that is actually the top of a grave, in which the dead bodies are "standing."*]

The *Gemora* asks: Didn't Rabbi Yochanan say that being buried in such a fashion is like a burial of a donkey (*it is degrading to be buried in such a manner*)?

The *Gemora* answers: According to Rabbi Yochanan, it must be that he makes the graves in the corner. [*The Rashbam explains that this means that the graves are made diagonally in two walls. When coming into the burial area, one digs a grave into the thickness of the wall on the far right corner opposite the entranceway. The same is done on the left side, digging diagonally into the wall next to it. In this way, one indeed has graves on the both the left and right of the entranceway.*]

The *Gemora* asks: Won't this cause the graves to be touching each other (*for there was only half an amah for the wall remaining on the far side of the graves; if another grave, with an amah opening, will be made in between the last grave on the right side and the graves on the wall opposite the entranceway, the openings for those three graves will merge together*)?

Rav Ashi answers: The case is where he digs deeply. [*The graves dug diagonally are underneath the other graves and the openings do not merge.*]

The *Gemora* adds: It must be that we do this. Otherwise, according to Rabbi Shimon that there are four burial areas sharing one courtyard, how could it be that the graves will not be touching each other? [*The graves, which extend four amos, from one chamber will be bumping into the graves from the other chamber!?*] It must be that we dig deeply in certain areas so that this should be avoided. Here, as well (*regarding the corners*), we apply this method.

Rav Huna the son of Rabbi Yehoshua says: The graves in the four burial caves according to Rabbi Shimon are made like a palm frond. [*In other words, they are spread out like the leaves of a palm frond – they are dug on an outward angle away from the entranceway, and therefore do not*

bump into each other (see third picture in the Rashbam in the Gemora).]

The *Gemora* notes: This statement of Rav Huna the son of Rabbi Yehoshua is a mistake. Let us analyze this. Every square cubit has a diagonal of one and two fifths of a cubit. This means that eight square *amos* of space (*the combined amount of space between two adjacent burial areas*) contain a diagonal of eleven and one fifth *amos*. How many graves must fit in that space? Eight graves must fit there (*four from the left side of one chamber and four from the right side of another chamber*). One cannot put eight graves in a space of eleven and one fifth *amos*! [*Being that he also needs to maintain an amah space between the graves as mentioned above, he would need at least fifteen amos of space!*] It therefore must be that Rav Huna's statement is a mistake.

Alternatively, the *Gemora* answers: The two graves on the right and the left are those of babies who died when under thirty days old (*usually*), and therefore, they are much smaller graves. (100b – 101b)

HALACHOS OF THE DAF

Graves

When one sells a *ma'amad*, the buyer gets the area of 4 *kavs*. The purpose of a *ma'amad* was to allow the people returning from burying a dead person, to reflect on the vanities and hollowness of this world and to repent. Its main purpose though, was to comfort the mourners and to cry along with them. So they would walk along this area, and repeatedly sit and then get up again.

When one sold a grave and included in the sale was the path to the grave and the room for eulogies and the area for *ma'amad*, the relatives of the dead person in the

grave may bury another family member there, even over the objections of the buyer. The reason being, since it was the custom to bury all the family members in one area, the buyer is of course entitled to a full refund on the grave. However, the buyer is not forced to give back the area used for *ma'amad* and eulogies, rather he allows them to use it as needed for the funeral, and then he takes it back.

When one sells an area for the purpose of making a grave, then he gets an area 4 *amos* by 6 *amos*. The custom in those days, was not to bury the dead in single graves in a cemetery, rather they would dig out an area 4 by 6 *amos*, and they would bury up to 8 people in that area, usually all belonging to one family. The design was as follows. Along the length of the wall (6 *amos*) they would bury 3 on each side, in individual chambers, and along the width – the back wall (4 *amos*), they would bury two more. The front wall was used as an entranceway or a stairwell to get underground. Each chamber was 6 *tefachim* wide and 4 *amos* deep and the height was 7 *tefachim* (*basically the shape of a coffin*). Between the chambers on the length, there was a space of an *amah* and a half, and between the two along the back wall, there was a space of two *amos*.

An average person's height as a standard for a *mechitzah*

Our *sugya* rules that a person hired to dig a grave must dig a pit four cubits long. Rashbam (s.v. *Vehakuchin*) and Ramban hold that the measure allows three cubits for an average person's height and another for the miscellaneous needs of any burial. However, Tosfos on our *sugya* (s.v. *Vehakuchin*) and on other Talmudic passages maintain that an average person is taller than three cubits and a coffin, therefore, should occupy less than one cubit. Many *poskim* have pondered this

difference of opinions, assuming, of course, that the Rishonim could not disagree about average heights. Hence, some commentators explain that their interpretations depend on the halachic definition of a handbreadth (*tefach*) as, till today, some authorities hold it equals, in modern terms, 9.6 cm while others claim it is only 8 cm long. According to Rashbam, a handbreadth is 9.6 cm and as one cubit contains six handbreadths, totaling 57.6 cm, three cubits equal 172.8 cm – enough for an average person, with another cubit for the coffin. Tosfos hold that a handbreadth is 8 cm. Three cubits, then, equal only 144 cm and they therefore had to assert that an average person is over three cubits tall. In other words, there was never a disagreement about average heights but rather about the calculation of halachic measures.

DAILY MASHAL

The average height of Polish and Russian Jews: Updating the issue, HaGaon Y.M. Epstein, author of *'Aroch HaShulchan*, calculated an average person's height over 100 years ago at 160 cm. Some questioned that estimate but in his *Midos Veshi'urei Torah*, Rav Chayim P. Benish records that a survey of 4,229 Polish and Russian Jews then conducted showed an average height of 161.2 cm. An important implication of the topic is the halachic requirement for a standard height for a *mechitzah* dividing the women's and men's sections in any synagogue. All agree that a *mechitzah* is meant to prevent distraction and many halachic authorities have relied on our *sugya* to determine an average person's height. Still, the height of a *mechitzah* may vary where people tend to be taller or shorter (**see Responsa *Minchas Yitzchak*, II, 20; Responsa *Tzitz Eli'ezer*, VII, 8; *Meshaneh Halachos*, C.M. 12, in the name of many *poskim***).

