

5 Iyar 5777
May 1, 2017



Bava Basra Daf 99

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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

Holy Dimensions

Rabbi Chanina went to the countryside, and the people there asked him to resolve a contradiction in verses.

One verse states that the Bais Hamikdash built by Shlomo (including the *Kodesh Kodashim*) was 60 *amos* long, 20 *amos* wide, and 30 *amos* high, while one verse states that the *Kodesh Kodashim* (inner sanctum) was 20 *amos* wide, 20 *amos* long, and 20 *amos* high. Rabbi Chanina answered that the second verse is referring to the height of the inner sanctum from the tops of the *keruvim*, which were 10 *amos* high, while the first verse is referring to the height from the floor. Rabbi Chanina explains that the second verse relates the height from the tops of the *keruvim*, in order to teach that the space below the top of the *keruvim* was as empty as the space above the *keruvim*. This supports the statement of Rabbi Levi (or Rabbi Yochanan) that we have a tradition that the ark and the *keruvim* did not take up any space.

The *Gemora* cites a *braisa* as a proof. The *braisa* says that when the ark of Moshe was placed in the inner sanctum, which was 20 *amos* by 20 *amos*, there were 10 *amos* empty on all sides of the ark, since it took up no space.

Shmuel says that the *keruvim* made by Shlomo miraculously rested in the inner sanctum, taking up no space. The verse says that each wing of each *keruv* was 5 *amos* long. The inner sanctum's width of 20 *amos* was

thus taken up by the wingspan of the two *keruvim*, leaving no room for the bodies.

The *Gemora* cites a number of challenges to this logical argument:

1. Perhaps the wings of the *keruvim* protruded from one spot in middle of their body, like chickens, and thus the wingspan included the body (Abaye).
2. Perhaps the *keruvim* were not adjacent. Since the wingspans overlapped, there was room for the bodies and wings (Rava).
3. Perhaps they were placed along the diagonal of the inner sanctum, which is larger than 20 *amos*, leaving room for the bodies (Rav Acha bar Yaakov).
4. Perhaps the middle of the inner sanctum was wider than the 20 *amos* at the top and bottom, allowing room for the bodies (Rav Huna berai d'Rav Yehoshua).
5. Perhaps their wings were not spread exactly horizontally, but angled, and thus took up less than 20 *amos* laterally, leaving room for the bodies (Rav Papa).
6. Perhaps one wing was on top of the other, and they did not take up the full 20 *amos* (Rav Ashi).

Rabbi Yochanan and Rabbi Elozar dispute how the *keruvim* stood. One says that they faced each other, while the other says that they faced the building of the

Bais Hamikdash. The verse describing the *keruvim* of Moshe says that they faced each other, while the verse describing the *keruvim* of Shlomo says that they faced the building. The opinion that says they faced each other is supported by the verse of Moshe's *keruvim*. He explains that the verse of Shlomo's *keruvim* refers to times when the Jewish people do not follow Hashem's command, and He indicates his displeasure by turning the *keruvim*'s faces. The other opinion is supported by the verse of Shlomo's *keruvim*. He explains the verse of Moshe's *keruvim* to indicate that the *keruvim* averted their gaze from each other toward the building, as a student does when taking leave from his teacher. (98b – 99a)

Shared Access

The *Mishna* discusses the case of one who owns a pit of water inside someone else's property, and must pass through this owner's house to reach his pit. He may access his pit only when people generally come into the house (*i.e., daytime*). He may not bring his animals to the pit, but must draw the water and bring it out to his animals. Both the pit owner and house owner place their own lock.

The *Gemora* explains that both place their lock on the pit. The pit owner does so to protect his water. The house owner does so to ensure that the pit owner will only access his pit when the house owner is home. This will prevent any suspicion of impropriety that would occur if the pit owner would enter the house when only the house owner's wife was home.

The *Mishna* discusses a case of someone who receives a garden inside someone else's garden, with permission to access it via the outer garden. He may only enter and

exit when people enter and exit (*i.e., daytime*). He may not bring merchants in to inspect his vegetation, and may not use it as a shortcut to enter another field. The outer garden owner may plant the pathway to the inner garden. If he received a side path to his garden, then he may use the path at any time, and may bring merchants to inspect his vegetation. He still may not use it as a shortcut to another field, and neither of them may plant the pathway.

The chart below summarizes the rules for such a garden:

Path to garden	Access times	Bring merchants?	Use as shortcut ?	Who plants it?
Through outer garden	Daytime	No	No	Outer owner
Side path	Anytime	Yes	No	Neither

Rav Yehudah quotes Shmuel, who defines what is included when one agrees to give someone a watering canal through his field. If he agreed to give a canal for watering a field, then he must give a ditch that is 2 *amos* wide, with two banks, each an *amah* wide. If he agreed to give a canal for watering animals and clothes, then he must give a ditch that is one *amah* wide, with two banks, each half an *amah* wide.

The *Gemora* cites a dispute about who has rights to plant on the banks. Rav Yehudah quotes Shmuel as saying that the owner of the field may plant vegetation on the banks, while Rav Nachman quotes Shmuel as saying that he may plant trees on the banks.

The *Gemora* explains that vegetation is more destructive to the water canal, since its roots extend out very close to the ground, at the water level, while trees roots go further down, below the bottom of the water. Therefore, Rav Nachman means that he may *only* plant trees, while Rav Yehudah means that he may *even* plant vegetation. Rav Yehudah says that if the banks collapse, they are rebuilt from earth in that field. Although they may not have collapsed into the field, implicit in the agreement to the water canal is the agreement to rebuild its banks from the earth of the field. (99a – 99b)

Paths through a Field

The *Mishna* says that if a public path passes through a field, and the owner of the field attempted to replace that path with a new one, seizing the existing path, the public may use both paths.

The *Mishna* then gives the dimensions of various paths through a field:

Path	Parameters
Private path	4 <i>amos</i> wide
Public path	16 <i>amos</i> wide
King's path	No boundary; may destroy anything in its path, including houses and fences
Path for burial	No boundary; may not destroy anything

Finally, the judges of Tzipori say that a field designated

for comforting mourners after burial is the area of 4 *kavs*.

The *Gemora* asks why the owner of the field may not prevent people from using the original public path, once he has replaced it with a new one. In general, if one's property is being damaged, and he has no reasonable legal recourse, he may enforce his property rights himself, including by force. In this case, his rights to the path are being violated, and he has no way of summoning the whole public to court, and thus should be able to enforce his ownership.

The *Gemora* offers three reasons that the *Mishna* says he may not prevent people from the path:

We are concerned that he may replace the original path with a circuitous route, inconveniencing the public. We therefore do not allow him to enforce his ownership on the original path in any case, lest he do so by providing a circuitous path. (Rav Zevid in the name of Rava)

2. The *Mishna* is limited to a case where the replacement is circuitous, and we therefore do not allow him to seize the original path, since he's inconveniencing the public. (Rav Mesharshia in the name of Rava)
3. Any new route will be circuitous to some of the public using the original path, and we therefore do not allow him to seize the original path. (Rav Ashi) (99b – 100a)



INSIGHTS TO THE DAF

Beyond Space

The *Gemora* states that neither the body of the *keruvim*, nor the ark itself took up any space in the inner sanctum.

The Maharsha says that this miracle was done to indicate that Hashem has no physical aspect, and therefore the ark and *keruvim* which were designated as the ultimate resting place of Hashem's presence did not use up any physical space.

The Ben Yehoyada says that the ark took up no space to hint that any expenditures that one makes for Torah do not come off his general budget set by Hashem for a year (as per Beitza 16a). The *keruvim*, which symbolize the Jewish nation, took up no space to hint that all sustenance provided to the Jewish nation is done miraculously by Hashem, and is not part of the general account made for the world's sustenance. He quotes his son, Yaakov, as explaining that this miracle was done to teach us that when one is involved in Torah (*symbolized by the ark*) and *mitzvos* (*symbolized by the keruvim*), he should do so without any earthly intentions, just as these items were not related to the physical space where they were situated.

DAILY MASHAL

The *Gemora* states that the *Aron*, the Holy Ark, did not take up any room in space in the Mishkan and in the Bais HaMikdash. This was truly a miracle. Similarly, we can suggest that *Shabbos*, despite the prohibition from refraining to work, does not take up any space either.

The Zohar states that one's sustenance is blessed from *Shabbos*. Although one refrains from work on *Shabbos* and it would seem that this would be detrimental to one's livelihood, one should not be concerned, because by observing *Shabbos*, his efforts during the week will be blessed.