

22.3.23

57a (משנה ה') → 58b (זהו רביעית של תורה)

1. הלך צדקות ודבר מישרים מאס בַּבְּצַע מַעֲשָׂקוֹת נֶעַר כִּפּוֹ מִתְמַדָּ בְּשָׁחַד אֶטֶם אֲזַנּוּ מִשְׁמַע דְּמִים וְלַעֲצֵם עֵינָיו מִרְאוֹת בְּרָע: ישיעוהו לג, טו

- I 'ה משנה: circumstances which generate חזקה and those which do not (in a common courtyard)
- a if: he had his animals, oven, mill, stove-top, chickens or was laying down fertilizer in the חצר – no חזקה
- b but if: he built a 10-high division for these (or a 3-high or 3-deep space for the fertilizer) – חזקה
- i explanation of difference:
- 1 נכסי הגר in קנינין עולא follows
 - (a) challenge (ר' ששת): plowing won't generate חזקה here, is a valid הגר בנכסי הגר; קנין בנכסי פירות; אכילת פירות is the inverse
 - 2 דבה בר אבוה: our משנה is referring to a jointly owned courtyard – partners aren't מקפיד on using space, but they they מקפיד on setting up a division
 - (a) Challenge: partners (evidently) are מקפיד on using space as per ה:א נדרים
 - 3 רבה בר אבוה (correction): our משנה is referring to the back alley behind houses, where the קפייד is only on מחיצה
 - 4 ל"פ: could still be חצר השותפין – some are מקפיד and some are not
 - (a) in re: ממונות (our case) – we are lenient (→ no חזקה)
 - (b) In re: איסורין (נדרים) – we are stringent
 - 5 דבינא: no one is מקפיד on using space w/o מחיצה – נדרים; מחיצה is authored by ר"א אסור במודר הנאה - ר"א
- II ר' יוחנן and ר' בנאה
- a Ruling of ר' בנאה - שותפין - ר' בנאה may prevent each other from any activity save laundry
- i Reason: it is inappropriate to make ישראל בנות degrade themselves (i.e. laundering in a publicly accessible area and exposing themselves)
- 1 Tangent: ר' חייא בר אבא's application of v. 1 to avoiding gazing at women who are laundering
 - (a) circumstances:
 - (i) if: there is another way and he deliberately chooses that path – he is a רשע (> violating v. 1)
 - (ii) if: there is no other way – he is אנוס
 1. answer: there is no other way – nonetheless, he must push himself to avoid that route
- b questions asked of ר' בנאה
- i garments: how should a ח"ח's garments appear?
- 1 Answer: tunic – showing no flesh (leg); cloak – showing no more than a טפח of his tunic
- ii Table: 2/3 covered (for eating) and 1/3 uncovered (pots) (discussion about "table ring" - in contrast to ע"ה's table)
- iii Bed: nothing underneath but shoes (unlike ע"ה, who has entire storehouse there)
- c Story: ר' בנאה was marking graves, his interactions with עבד אברהם at המכפלה אליעזר עבד אברהם
- i Note: we learn that the inner (or lower) cave was the same dimension as the outer (or upper)
- ii Note: ר' אבהו, ר' אבהו, ר' כהנא, שרה, חוה, אדם הראשון about the size and beauty of אנדות
- 1 Additional stories: involving necromancers (specifically ר' בנאה)
 - 2 Finale: ר' בנאה was named the judge of that town; they had several aphorisms:
 - (a) Any judge: who is sued, is unfit for דין
 - (i) He corrected: any judge who is successfully sued is unfit for judgment
 - (b) Life and death: are the result of wine and blood (not blood-letting) respectively
 - (i) He corrected: blood leads to most diseases, wine – if properly drunk – leads to health
 - 3 Final note: in Capudiccia, they wrote that אונג, אונק, and אנטל were all the same measure (אנטל – 1 רביעית הלוג)