

22.3.25

59b (מסנה ז') → 60b (סיים הפרק)

.1 וישא בלעם את עיניו וירא את ישראל שכן לשבטיו ותהי עליו רוח אלהים: במדבר כד, ב

.2 התקוששו וקושו הגוי לא נקטר: עמניה ב, א

.3 במארה אתם נארים ואתי אתם קבעים הגוי כלו: מלאכי ג, ט

.4 תדבק לשוני לחכי אם לא אִזְכְּרִי אִם לֹא אֶעֱלֶה אֶת יְרוּשָׁלַם עַל רֹאשׁ שְׁמַחְתִּי: תהלים קלז, ו

.5 לשום לאבלי ציון לתת להם פאר תחת אפר שמן ששון תחת אבן מעטה תהלה תחת רוח פהה וקרא להם אילי הצדק מטע ה' להתפאר: ישעיהו סא, ג

.6 שמחו את ירושלים וגילו בה כל אהביה שישו אתה משוש כל המתאבלים עליה: ישעיהו סו, י

- I זז משנה זז
- a A person may not open up windows into a common courtyard
- i Note: even another's courtyard!
- ii Answer: this is less obvious, since the other has to maintain discretion when he is in חצר, חצר he has no claim of privacy from house – קמ"ל – that he may argue that until now, he only had to avoid him when in חצר
- 1 Story: man built opening into חצר, claiming immediate חזקה
- (a) ד' ישמעאל בר יוסי confirmed it
- (b) ד' חייא order him to shut it up – no חזקה
- 2 Note (ר"ג): if another seals up his opening (and he is quiet), immediate חזקה
- b If: he bought a house in another חצר, he may not have its doors open towards the חצר
- c If: he built a second story, he may not have it open towards the חצר
- i But: he may add a room to his house (inside) and build on top of it, and have it open into his house
- 1 Reason for ban: he causes more foot traffic in חצר
- 2 Challenge: why is he allowed to build this inner room etc.?
- 3 Answer: he doesn't build a loft, rather divides his house; עלייה here means "wing" (he has rights for this)
- II זז משנה זז
- a A man may not: open up a door facing another doorway in חצר, nor a window facing a window (as per v. 1)
- i If: the door or window is small, he may not enlarge it
- 1 ד"ח thought this only applied to building a ד"א wide doorway into 8 – taking up too much space in the חצר
- (a) But: building a 2 wide into 4 is acceptable
- 2 דבא even if it is 2 wide to build up to 4 –
- (a) Reason: neighbor can argue that he was able to maintain some privacy with a smaller opening
- ii If: there is only one, he may not make it two
- 1 ד"ח thought this only applied to dividing a ד"א wide doorway into 2x2 – taking up 8 in the חצר
- (a) But: making an 8-wide into 2x4 is acceptable
- 2 דבא even making an 8-wide into 2x4 is unacceptable
- (a) Reason: neighbor can argue that he was able to maintain some privacy with 1 opening, not with two
- b Note: none of these restrictions apply if facing רה"ר
- i Reason: in any case, he must maintain discretion when in רה"ר, this is no more invasive of privacy
- III ח' משנה ח'
- a A person may not dig caverns etc. underneath רה"ר
- i Dissent (ר"א): if a wagon full of rocks can pass over it, permissible
- 1 Response (רבנן): it may weaken without him knowing it
- b May not put beams or balconies out into רה"ר,
- i But: he may move his wall in and add them
- 1 Note: if he moved his wall in, dispute ר"י/ר"ל if he may move it back, whether we apply רב's ruling about מצר שהחזיקו בו רבים (ר"י) or not here, because there's extra room for the רבים
- 2 note: stories about ר' אמי (מבוי ור' ינאי (רה"ר) who judged similar cases (v. 2)
- ii but if house already had them – grandfathered in
- 1 רב הונא: if it fell, he may rebuild with beams; contrasted to fully painted house may not be rebuilt as such (זכר למקדש)
- (a) Tangent: rules about not completing house etc. as גורה למקדש, encounter between פרושים and יהושע ר' יהושע (vv. 3-6)