

He was poor and became rich

עני והעשיר הוה -

Overview

The גמרא relates that פאפי יונאה was a poor man who became rich, and was building a mansion on his property. There were sesame seed pressers in his neighborhood, and when they would press the seeds, his building would shake. רב רב אשי ruled that this is a case of גירי דיליה, where (even) יוסי ר' agrees that it must discontinue. תוספות discusses why it was necessary to mention that פאפי יונאה was poor and became rich.

רבותא נקט שהיה עני ולא איבעי¹ לאסוקי אדעתיהו שיבנה האפדנא² -

The גמרא, by **mentioning that he was poor** (and later because rich), is teaching us a **novelty**, that even though **these pressers had no reason to entertain that פאפי יונאה would build this mansion**, since he was poor -

אפילו הכי הוזקו להרחיק משום דהו גירי זידהו³ -

Nevertheless, they were required to distance themselves, because it was גירי זידהו (their arrows) –

anticipates a difficulty:

אף על גב דסמך⁴ בהיתר אין צריך להרחיק אפילו בגירי דיליה -

Even though that in a case where he had the right to come close, it is not necessary to distance, even in a case of גירי דיליה -

כדתניא⁵ (לעיל דף כ,ב) אם היה רפת בקר קודמת לאוצר מותר -

As the ברייתא taught, 'if the stable for the oxen preceded the storehouse, it is permitted' to remain -

והוא הדין⁶ חנות של נחתומים וצבעין⁷ ואין חילוק בין דירה לשאר⁸ לפי המסקנא -

¹ The הגהות הב"ה amends this to read, איבעי להו לאסוקי (instead of לאסוקי).

² Therefore, when they began their pressing operation they were בהיתר סומך, since their pressing could cause no harm to this poor person.

³ See the גמרא here, תוס' יו"א ד"ה לא, (TIE there footnote # 5), and elsewhere. גירי זידהו means that the damage is coming directly from the one causing the damage, as in our case, where as they were pressing, the house was shaking.

⁴ The דסמך דבסמך (instead of דסמך).

⁵ The משנה there stated that one should not open up a נחתומים ושל צבעין under his friend's warehouse, and the same applies to a רפת בקר. The גמרא cited a ברייתא that if the רפת בקר preceded the אוצר he may leave it there.

⁶ See footnote # 5. The ruling of the ברייתא regarding רפת בקר applies to a נחתומים ושל צבעין as well; that if they were there before the אוצר, they can remain, even though this is considered גירי דיליה. See מהרש"א.

⁷ The הגהות הב"ה amends this to read, ושל צבעין (instead of וצבעין).

⁸ Initially on דף יח,א the גמרא explained (according to רבא) that the reason they can remain is because the רפת בקר and נחתומים ושל צבעין are considered his dwelling place, therefore we are more lenient, as opposed to a גירי דיליה in a field. However (according to תוספות) this distinction is discarded in the מסקנא (see footnote # 9).

And the same rule applies to a bakery or a store of dyeing; and according to the conclusion⁹ in the גמרא there is no difference between a dwelling to other situations, so why were the pressers required to distance themselves since they were סומך בהיתר?!

תוספות responds:

אומר רבינו תם דהכא היינו טעמא משום דלא קביעא תשמישייהו כל כד¹⁰ כי הנך דלעיל - סומך ר"ת that here the reason they must distance even though they were סומך בהיתר is because their usage of pressing sesame seeds was not that permanent like the other cases mentioned previously, namely רפת בקר וחנות של נחתומים ושל צבעין

An additional solution is offered:

(הג"ה. ועוד דהכא¹¹ משום דבאיסור סמך¹² דכל מרא¹³ דמחי מרפי לארעא¹⁴. עד כאן הג"ה): סומך (An annotation. And furthermore, for here [it is different] since he was סומך illegally, for with every shovel [and shovel] that he bangs he loosens the ground [so it is similar to the case of a pit]. This concludes the annotation.)

Summary

גיירי דיליה requires one to distance even if initially there was no concern (like here where פאפי was poor); provided that it is not קביעא תשמישייהו, however if it is קביעא תשמישייהו, if he was סמך בהיתר he may remain even if it is גיירי דיליה. (Alternately here they were סומך באיסור, since מרא מרפי לארעא.)

Thinking it over

Why did the ר"ת not accept the answer of the הג"ה (that they were סומך באיסור)?!¹⁵

⁹ See בור סומך except for בור (TIE pg. 3), יח,ב תוס' ד"ה וסבר בפ"ה ר"ה ור"ה

¹⁰ Therefore, even though we do not distinguish between דירה לשאר (as תוספות said), nevertheless we differentiate between קביעא תשמישייהו (where it is permitted if סמך בהיתר) and לא קביעא תשמישייהו (where even if it was סמך בהיתר one must distance if it is גיירי דיליה, since it is not that much of a bother to move the sesame press. Alternately, since it is not קביעא תשמישייהו, so every time they begin anew, it is as if they are starting now, so it is considered סומך באיסור).

¹¹ The הגהות הב"ה amends this to read, דהכא שאני משום, (instead of דהכא משום).

¹² These עצורי had no right to press the seeds (so close to the boundary) even before פאפי יונאה began building his mansion, since their banging caused the ground of פאפי to loosen and become soft, therefore it is considered סומך באיסור. See רבא's statement previously on יז,ב.

¹³ The הגהות הב"ה amends this to read, מרא ומרא דמחי (instead of מרא דמחי). See גורס 'מחא' who is רש"ש.

¹⁴ The הגהות הב"ה amends this to read, לארעא והוה דומיא דבור. ע"כ, (instead of לארעא. ע"כ)

¹⁵ See נחלת משה.