



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Kuf

- **Q:** The Mishna said that if a field has a public path going through it, and the owner takes back that path and gives the public a different path instead, he is not koneh back the old path, and the public is also koneh the new path in addition to having rights to the old path. Why is that so? Why can't he tell the public, "take back what is yours (the original path) and I will take back what is mine (the new path)? **A:** The Mishna follows **R' Eliezer**, who is quoted by **R' Yehuda** as saying in a Braisa that if the public chooses a path for themselves, the path becomes public property (so when it was given to them it surely becomes public property).
 - **Q:** How does **R' Eliezer** allow the public to just take property from a person? That is stealing!? **A:** **R' Gidal in the name of Rav** said, **R' Eliezer** is talking about a case where there was a public path through a field and that path was lost. That is when they are allowed to simply choose a new path.
 - **Q:** If this is what **Rav** said that **R' Eliezer** was talking about, why did **Rabbah bar R' Huna in the name of Rav** say that the halacha does not follow **R' Eliezer**? **A:** The one who taught this statement of **Rav** would not agree with the one who taught the other statement of **Rav**.
 - **Q:** According to **Rabbah bar R' Huna** (who says that the halacha does not follow **R' Eliezer** and the Mishna would therefore presumably not follow him), why does our Mishna say that the owner may not take back the new path? **A:** The Mishna follows the view of **R' Yehuda in the name of Rav**, who says that if the public prepared a path through a field and the owner saw and did nothing about it while they made a chazakah, they are koneh the field. Therefore, in our Mishna, where the owner actually gave them a field, they are certainly koneh it.
 - **Q:** According to **R' Eliezer**, what kinyan did the public make on the path that facilitated their being koneh it? **A:** The kinyan was the act of simply walking on the path, as we find in a Braisa, where **R' Eliezer** says that walking the length and width of a field can act as a kinyan. The **Chachomim** argue and say that an act of chazakah would have to be made.
 - **R' Yose the son of R' Chanina** said, the **Chachomim** would agree that simply walking would be a valid kinyan on a path that goes through vineyards, because that path is only meant for walking.
 - With regard to this path through the vineyard, **R' Yitzchak bar Ami** paskened in a case that it must be wide enough for a person to walk there carrying a bundle of branches, and allow him to turn in all directions with no obstruction.
 - That is only if the path is enclosed with walls. If it is an open path, it only needs to be wide enough to put down one foot in front of the other and walk.

DERECH HAYACHID DALED AMOS

- A Braisa says, **Others** say, the path must be wide enough so that a donkey can pass with its load.
 - **R' Huna** said, the halacha follows these **Others**.
 - **Q:** We find that elsewhere **R' Huna** paskens like the view that such a path needs to be 2 and ½ "gamadim" (small amos)!? **A:** They two measurements are the same size.

DERECH HARABIM SHEISH ESREI AMAH

- A Braisa says, the width of a private path is 4 amos, the width of a path between 2 cities (used only by the people of these cities) is 8 amos, the width of a public path is 16 amos, and the width of the path leading to the "arei miklat" is 32 amos.

- **R' Huna** says that we learn this halacha of arei miklat from the fact that the Torah uses the word "haderech" instead of the word "derech".

DERECH HAMELECH EIN LAH SHIUR

- This is because a king may break through fences to make a path for himself, and no one may protest his doing so.

DERECH HAKEVER EIN LAH SHIUR

- This means that the people in the procession may walk wherever they need to. This is done out of honor for the one who has passed.

HAMAAMAD DAYANEI TZIPORI AMRU BAS DALED KAVIN

- A Braisa says, if someone sells his burial plot, the path to his burial plot, the place for his maamad, or the place for his hesped, the family of the seller (upon his death) may force the buyer to allow the seller to be buried in the plot that he sold, because not having him buried there would be shameful to the family.
- A Braisa says, we do not do less than 7 "standings and sittings" for a person who has died. The 7 correspond to the 7 uses of the word "hevel" in the second pasuk in Koheles.
 - **R' Acha the son of Rava** asked **R' Ashi**, how is the maamad done? **R' Ashi** said, it is as stated in a Braisa, which says that **R' Yehuda** said, it means that someone would tell the people in the procession to stand, and they would then walk a little, and the person would then tell them to sit, and they would sit and mourn, and this would repeat itself until it was done 7 times. The **Rabanan** said to **R' Yehuda**, if this is what is meant by the maamad, there would be no reason not to allow it to be done on Shabbos, and yet we know that it is not done on Shabbos!?
 - **Rami bar Pappa's** sister married **R' Avya**. When she died, **R' Avya** did the maamad ceremony for her. **R' Yosef** said that **R' Avya** did so with 2 mistakes: 1) the maamad is only supposed to be done with relatives, but he had non-relatives there as well, and 2) the maamad is only supposed to be done on the day of the burial, but he did it on the second day. **Abaye** said, he was also mistaken in that the maamad is only to be done at the cemetery, and he did it outside of the cemetery. **Rava** said, he was also mistaken in that the maamad should only be done in a place where it is the custom to do it, and in his place there was no custom to do it.
 - **Q:** How can we say that the maamad can only be done on the day of the burial and in the cemetery, if the **Rabanan** suggested that the maamad can be done on Shabbos? **A:** The case would be where a person of a city right near the cemetery was buried as Shabbos was entering. The maamad ceremony could therefore be done on Shabbos on the walk back from the cemetery.