



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

Bava Basra Daf Kuf Hey

MISHNA

- If a seller says, "I am selling you an amount of land as measured by a rope, more or less", the addition of the phrase "more or less" nullifies the "as measured by rope", and an overage up to the allowable amount would keep the sale valid. If the seller said, "I am selling you an amount of land more or less, as measured by a rope", the addition of the phrase "as measured by rope" nullifies the "more or less", and therefore any deviance from the amount would have to be adjusted for. These are the words of **Ben Nanas**.

GEMARA

- **R' Abba bar Mamal in the name of Rav** said, the **Rabanan** argue on **Ben Nanas** (and are uncertain whether we should follow the first or second phrase of the seller, and would therefore classify the money as being a safek, and would hold that the money should be divided between buyer and seller).
 - **Q:** What is he teaching us? We already learned that the **Rabanan** argue with him in a Mishna. The Mishna says, it once happened in Tzipori that someone rented a bathhouse for 12 gold dinars for the year, a dinar per month, and the year then became a leap year. When it was brought to **R' Shimon ben Gamliel and R' Yose**, they said that the additional month should be divided. We see that they say the money should be divided!? **A:** If we only had that case, we would say in that case the second phrase can be understood as an explanation of the first phrase, and that is why we are unsure how to understand the double phrase. However, in our Mishna, the two phrases are contradictory, and we would therefore think to say that it must be that the second phrase is a retraction of the first phrase, and therefore the **Rabanan** would agree with **Ben Nanas** in this case. That is why **R' Abba bar Mamal** tells us that they argue in this case as well.
- **R' Yehuda in the name of Shmuel** said, the halacha that we follow the second statement (when a person makes two contradictory statements) is the view of **Ben Nanas**, but the **Chachomim** say we follow the lesser of the two statements (i.e. whichever one will produce the result of giving less to the buyer).
 - **Q:** Does this mean that **Shmuel** himself does not agree with the view of **Ben Nanas**? We find that **Rav and Shmuel** both say, if a seller says "I am selling you a kor (equal to 30 se'ah) for 30 sela'im", the seller may back out of the deal any time before the final se'ah was measured out. However, if the seller said "I am selling you a kor for 30 sela'im, each se'ah for a sela", then the buyer is koneh each se'ah as it comes into his possession. We see that **Shmuel** follows the second statement, in accordance with the view of **Ben Nanas**? **A:** It must be that **Shmuel** said "this is the view of **Ben Nanas**", but meant to say that he holds like him as well.
 - **Q:** How can we say that **Shmuel** follows **Ben Nanas**? In the case of the bathhouse (quoted above) **Shmuel** said the case was where the landlord came to Beis Din in middle of that extra month, and that is why he got half the month's rent. Had he come at the beginning of the month, he would have gotten the entire month's rent, because he is the muchzak on the bathhouse. Had he come at the end of the month he would have gotten nothing, because the tenant is the muchzak on the money at that point. We see that **Shmuel** does not follow the second statement and clearly does not hold like **Ben Nanas**? **A:** Rather, it must be that **Shmuel** said that this is the view of **Ben Nanas**, meaning that he himself did not hold like that. The reason that in the case of "a kor for 30 sela'im, each se'ah for a sela" he holds that the buyer is koneh each se'ah as he

gives each selah is not because he holds like **Ben Nanas**, but rather because he holds like the case of the bathhouse, that since the buyer has taken possession by giving over the selah, he becomes the muchzak and keeps it.

- **R' Huna in the name of Rav** said, where a seller gave a price of “an istira (equal to 96 ma’os), 100 ma’os”, we follow the 100 ma’os price, and if he said “100 ma’os, an istira” we follow the istira price.
 - **Q:** Is he teaching that we follow the second statement made (in a case where contradictory statements are made)? He has already taught this in the case of the bathhouse, because **Rav** said regarding that case, “had I been there I would have given the entire month to the landlord”, which shows that he holds that we follow the second statement!? **A:** If we would only have the case of the bathhouse we would say that **Rav** holds that way there only because we can understand the second statement (a dinar per month) as having been made to explain the first statement (12 dinars for the year), but in a case where they were truly contradictory statements, maybe **Rav** would say that we do not follow the second statement. Therefore **R' Huna** taught us in the name of **Rav** that he follows the second statement even in a case where the two statements are truly contradictory, because he follows the view of **Ben Nanas**.