



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

### Bava Basra Daf Kuf Zayin

- We have learned, if brothers divided an estate and a creditor of the estate then came and took the share of one of the brothers as payment of the debt, **Rav** says the original division of the estate becomes batel and the remaining estate is re-divided between the brothers (this is because **Rav** holds that brothers retain the status of heirs, who are jointly responsible for the debts of the estate), **Shmuel** says the brother whose share was taken has lost his share and there is no redistribution (he holds that brothers who divide an estate are considered to be buyers from each other, and they are buyers who don't even have achrayus), and **R' Assi** says he is entitled to one quarter of his brother's share of the land or the brother may give him that amount in money (he is uncertain whether they have the status of heirs or of buyers, and therefore he gets one quarter of the other brother's share).
  - **R' Pappa** said, the halacha in both these cases (the case with the newly discovered brother, and the case of the brother from whom a creditor has taken all) is that the brothers or brother who have a share of the estate must take from their portion and give it to the other brother. **Ameimar** said, the halacha in both cases is like **Rav**, that the original division becomes batel.
    - The Gemara paskens that the halacha is that the original division becomes batel.
- A Braisa says, if 3 dayanim went to appraise the property of orphans and came back with 2 different opinions – one said it was worth a maneh and the other two said it was worth two maneh, or visa-versa, we follow the majority opinion. If one said it was worth 100, the second said it was worth 80, and the third said it was worth 120, we follow the view that it is worth 100. **R' Eliezer the son of R' Tzadok** said, we give it a value of 90. **Others** said, we calculate the difference between the highest and lowest opinion, divide that number by 3, and add it to the lowest number.
  - The Gemara explains, the **T"K** holds that we follow the middle view, **R' Elazar the son of R' Tzadok** holds that the judge who said the value of 120 must be way off. Therefore, we look at the remaining two judges, and say that the true value lies at the midpoint between them. [The Gemara asks, why don't we say that we take the midpoint between the two higher evaluations, and say that the 80 valuation is the one that is way off? The Gemara answers, that we choose the middle of the lower two, because doing so puts the value at below a maneh, and we rather value at less than a maneh, because the land is certainly worth at least that much]. The **Others** hold that the judge who said the value was 120 must be way off. In truth, the value of 80 was undervalued by 13.3 and the one who said 100 overvalued by 13.3, because he really wanted to give a value of 106.6, and didn't do so only because he felt that his valuation was already so much higher than the one who said 80. [The Gemara asks, why don't we say that the one who said 100 undervalued by 13.3, and the one who said 120 really meant to say that it was worth 126.6, and didn't do so only because he felt that his valuation was already so much higher than the one who said 80, and instead of disregarding the 120 we should disregard the 80!? The Gemara answers, that we choose the middle of the lower two, because doing so puts the value at below a maneh, and we rather value at less than a maneh, because the land is certainly worth at least that much.]
  - **R' Huna** said, the halacha follows the view of the **Others**. **R' Ashi** said, we don't even really understand the logic of the view of the **Others**, so how can you say that we pasken like them!?
    - **Shmuel and Karna** taught a Braisa that says exactly like the view of the **Others**. **R' Huna** said, the halacha follows **Shmuel and Karna**. **R' Ashi** said, we don't even

really understand the logic of their view, so how can you say that we pasken like them!?

#### MISHNA

- If a seller says, “I am selling you half of this field” without specifying which half, “the quality is put between them” (to be explained in the Gemara) and the buyer takes half the field. If the seller said, “I am selling you the southern half of the field”, “the quality is put between them” and the buyer takes the southern half the field. The seller must also provide space to build a fence, a trench, and a narrow trench. How wide is a trench? Six tefachim. How wide is a narrow trench? Three tefachim.

#### GEMARA

- **R' Chiya bar Abba in the name of R' Yochanan** said, the buyer gets the lower quality half and the seller keeps the higher quality half.
  - **Q: R' Chiya bar Abba** asked **R' Yochanan**, the Mishna said that “the quality is put between them”, which seems to mean that they each take an equal share of the high quality land and of the low quality land!? **A: R' Yochanan** said, in EY we explained the Mishna based on the next part, which said that if the seller said he is selling the southern half, the quality is put between them and the buyer gets the southern half. Now, this can't mean that they divide the high quality and low quality, because the Mishna says that the buyer only takes the southern half! Rather, it must be that we say that he meant to sell the southern half of the field based on value, and can give any land, even low quality land, equal to that value. The same can be said in the Mishna's first case, that the seller meant to sell half the field based on value, and he can give any quality land as long as it is equal to the value of half the land.

#### MEKABEL ALAV MIKOM GADER...

- A Braisa says, the wide trench is dug further away from the fence and the narrow trench is dug closer to the fence, but both are dug on the outside of the fence. These were dug so that an animal should not be able to jump on top of the fence.
  - **Q:** Why wouldn't the digging of the larger trench suffice? **A:** It is wide enough for the animal to stand in it and jump from there.
    - **Q:** So then only make the narrower trench and have that suffice!? **A:** Because the trench is so narrow, the animal can stand on the trench's lip and jump from there. That is why both trenches are needed.
  - The Braisa continues and says, how much space is left between the two trenches? One tefach.

**HADRAN ALACH PEREK BEIS KUR!!!**