



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

Bava Basra Daf Yud Aleph

- A Braisa says, it once happened that King Munbaz emptied all of his treasures and the treasures of his ancestors to feed the poor during years of hunger. His brothers and family ganged up on him and said "Our ancestors amassed all this wealth and you just spend it all!?" Munbaz answered (based on pesukim), "Our ancestors amassed wealth down on earth, whereas I have amassed wealth with zechusim in Heaven! Our ancestors amassed wealth in a place where it is at risk to be taken, whereas I have amassed wealth in a place where it can never be taken from me! Our ancestors amassed wealth that does not bear fruits from which they could benefit, whereas I have amassed wealth that produces fruits to benefit from! Our ancestors amassed treasures of money, whereas I have amassed treasures of souls! Our ancestors amassed wealth for other people to use, whereas I have amassed wealth for myself (by using it for tzedaka)! Our ancestors amassed wealth down in this world, whereas I have amassed wealth in the next world!"

V'IHM KANAH BAH BEIS DIRAH HAREI HU K'ANSHEI HA'IHR

- Our Mishna does not follow **R' Shimon ben Gamliel**, who says in a Braisa that even if one buys the smallest piece of land in a city, he is immediately considered to be a citizen of that city.
 - **Q:** A Braisa says that **R' Shimon ben Gamliel** says that one becomes a citizen immediately only if he buys a piece of land large enough to build a house on it!? **A:** There are 2 Tanna'im who disagree as to what **R' Shimon ben Gamliel** held.

MISHNA

- We cannot force a person to divide his chatzer unless each person will be left with at least 4 square amos. We cannot force division of a field unless each person will be left with at least a piece large enough to plant 9 kav of seeds in it. **R' Yehuda** says there must be at least nine half kavs for each person. We cannot force division of a garden unless each person will be left with at least ½ kav. **R' Akiva** says there must be at least ¼ kav for each person. We cannot force the division of a "traklin" or "moran" (rooms) or a dovecote or a talis or a bathhouse or an olive press or an irrigated field, unless there is enough for each of the partners. The general rule is, anything that is divided and will still be called by the same name after the division, can be divided. If not, it cannot be divided.
- This is all when we don't have both partners consenting to the division. However, if they both consent, the property may be divided even if it is smaller than the minimums mentioned above.
- With regard to scrolls of Tanach, even if the partners agree, they may not be divided.

GEMARA

- **R' Assi in the name of R' Yochanan** said, the 4 square amos that are necessary to be left for each partner is in addition to 4 square amos that each must have at the entrance to his house. We see this from a Braisa as well, which says that a chatzer can only be divided if there are 8 square amos for each. This seems to contradict our Mishna!? According to **R' Assi** it does not.
 - **Others** ask this Braisa as a contradiction to our Mishna, and then quote the statement of **R' Assi in the name of R' Yochanan**, to answer the contradiction.
- **R' Huna** said that a chatzer is divided based on the number of entrances (if one brother inherited a house with 2 entrances in the chatzer and the other brother inherited a house with one entrance, the brother with the two entrances gets 2/3 of the chatzer). **R' Chisda** said, each entrance gets 4 square amos, and the remainder is divided equally among the partners.
 - A Braisa says like **R' Chisda**, and then says, if one had an entrance that was 8 amos wide, he gets a piece of the chatzer equal to 8 amos opposite the entrance and 4 amos in the chatzer.

- **Q:** What is meant that he gets "4 amos in the chatzer"? **A:** **Abaye** said, it means he gets 8 amos in length, opposite his entrance, and he gets 4 amos deep into the chatzer (he gets a piece equal to 8x4 amos).
 - **Ameimar** said, with regard to a pit into which date pits are thrown (and used to feed animals) which is inherited by one of the sons, he gets 4 amos on all sides of the pit as well. However, this is only if the father had not designated a specific entrance to use for access to the pit. If he did do so, the son only gets 4 amos by that entrance.
- **R' Huna** said, an "achsadra" (a gazebo with a roof and no walls) is not entitled to get 4 amos in front of it when the chatzer is divided. The reason the entrance to a house gets 4 amos is because it is needed to unload an animal there. With an achsadra, the animal can be brought inside and unloaded there.
 - **Q:** **R' Sheishes** asked, a Braisa says that the entrances of houses and the entrances of achsadras get 4 amos!? **A:** This is referring to an achsadra of the yeshiva, which had walls (with windows all around).
 - **Q:** Such an achsadra is obviously going to get 4 amos, because it is a proper room!? **A:** The Braisa is referring to a Roman achsadra (which has low walls that don't reach the roof).
- A Braisa says, a porch, an achsadra, and a balcony, each get 4 amos. If there are 5 houses that open up onto this balcony, they still only get 4 amos in the chatzer below.
- **Q:** **R' Yochanan** asked **R' Yannai**, does a chicken coop get 4 amos in the chatzer? **A:** **R' Yannai** said, 4 amos are given to allow for unloading an animal. A chicken coop does not need that, and therefore it will not get 4 amos.
- **Q:** **Rava** asked **R' Nachman**, if there is a house that is half roofed and half not roofed, does it get 4 amos in the chatzer? **A:** **R' Nachman** said it does not get 4 amos. This is so not only if the uncovered portion is the part that opens to the chatzer, rather, even if the covered portion opens to the chatzer, it does not get 4 amos.
- **Q:** **R' Huna** asked **R' Ami**, if the owner of a house that is in one mavoy, and that house backs another mavoy, wants to make an entrance in the back of his house into the other mavoy, can the people of that other mavoy prevent him from doing so? **A:** **R' Ami** answered that they could prevent him.
 - **Q:** **R' Huna** then asked, when there are quartering obligations (to house soldiers), is this done based on the number of people in a building, or based on the number of entrances to the building? **A:** **R' Ami** said, it is based on the number of people. A Braisa says this as well.
- **R' Huna** said, if the people of one chatzer want to enclose the 4 amah area in the mavoy at the entrance to their chatzer, the other people of the mavoy may prevent them from doing so, because it would cause them to have to take a longer route and walk around the enclosure.
 - **Q:** A Braisa says, if there are 5 chatzeiros in a mavoy, all the people in all 5 of the chatzeiros may use the area by the entrance to the outermost (i.e. closest to the reshut harabim) chatzer, and that outermost chatzer may only use that area and no other in the mavoy. The 2nd through the 5th chatzeiros may all use the area by the entrance to the 2nd chatzer, although the people of the 2nd chatzer may not use the area deeper in than its own chatzer. The result is that the innermost chatzer has an area that only they may use, and they may use the area of each other chatzer as well. Based on this, how could **R' Huna** have suggested that anyone in the mavoy can prevent the enclosure when not everyone has equal rights to use a given area!? **A:** It is actually a machlokes among Tanna'im. A Braisa says, **Rebbi** says, if a homeowner wants to make an entrance from the back of his house into a second mavoy, the people of that mavoy can prevent him from doing so. If he used to have a door there, but had since sealed it and now wants to reopen it, they cannot prevent him from doing so. **R' Shimon ben Elazar** says, if there are 5 chatzeiros in one mavoy, they all have rights to use the entire mavoy. Now, no one mentioned a chatzer, so why did **R' Shimon ben Elazar** mention it? It must be that the Braisa is missing words, and **Rebbi** had said like the Braisa above (all chatzeiros may use the outermost area, etc.), and **R' Shimon** then comes to argue and says that all chatzeiros have equal rights to use of the entire mavoy.
 - **Rava** said, when the Braisa says that if there was a door that was sealed, the people cannot prevent him from making an entrance into the mavoy, that is

only if he didn't remove the whole door frame when he sealed the entrance. If he had done so, they can prevent him from making the opening.

- **Abaye** told **Rava**, a Braisa supports your statement. The Braisa says that a sealed entrance is still entitled to an area of 4 amos in the chatzer. However, if the door frame was removed, it is not entitled to the 4 amos.