



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

Bava Basra Daf Yud Gimmel

V'LO ES HATRAKLIN...

- If there is not enough in the property to allow for division with each partner getting the minimum required share, **R' Yehuda** says the partner who wants the division can demand that he either be bought out or be allowed to buy out the other partner. **R' Nachman** says that he cannot make such an ultimatum.
 - **Q: Rava** asked **R' Nachman**, according to you, what would happen when a bechor and his brother inherit a slave or a non-kosher animal? Dividing it is not an option, so what are they to do? **A: R' Nachman** said, the slave or animal would work for the bechor for two days and then for the brother for one day.
 - **Q:** A Mishna says, **B"H** say, if a slave is only half freed, he works for his master one day and for himself one day. **B"S** said to them, you have provided a remedy for the master (he is getting his full share of the work), but have provided no remedy for the slave, because he cannot marry a maidservant since he is partially free, and cannot marry a Jew since he is partially a slave. Is he to sit and not get married? The world was created to produce children! Rather, for the benefit of the world, we force the master to free the second half and the slave then writes a note for the value of that half. **B"H** later retracted their view and agreed with the view of **B"S**. We see, that if not for the fact that the half-freed slave could not marry, all would agree that he could not force the master to sell his share and completely free himself. This refutes **R' Yehuda**! **A:** The reason it wouldn't work in this case is because the slave can offer to buy the half from his master, but he could not make the offer to sell his free half to the master, because a Yid cannot be sold.
 - **Q:** A Mishna says, if there is a wealthy brother and a poor brother that inherit a bathhouse and an olive press, if they were made to be rented out, they are rented out and the money is divided. If they were not meant to be rented out, the wealthy brother can tell his brother "buy slaves for yourselves to prepare the bathhouse for you" or "buy olives to press" (which the poor brother obviously won't do, because he doesn't have the money to do so). We see from here that the poor brother can't force a sale! **A:** The reason it wouldn't work in that case is because he can't offer to buy his wealthy brother's share (since he doesn't have the money).
 - **Q:** A Braisa says, the general rule is, with regard to any object owned in partnership, if it could be divided in a way that it still serves its original function with the share that each partner ends up with, it can be divided. If not, we assess its value and one must buy out the other. This refutes **R' Nachman**! **A:** It is actually a machlokes among Tanna'im in a Braisa. The Braisa says, if one partner of a chatzer that is smaller than the minimum needed to force division tells the other "you take the full minimum amount, and I will take the remaining less than minimum amount", we listen to him. **R' Shimon ben Gamliel** says that we do not listen to him. Now, this can't be understood as written, because why would **R' Shimon** say not to listen to him? Rather, the Braisa must be missing a second case, in which the **T"K** said that if one partner demands to be bought out or to buy out the other partner, we listen to him, and **R' Shimon ben Gamliel** says we do not listen to him. Based on this explanation, this concept is a machlokes among Tanna'im.
 - The Gemara says, it may be that the Braisa is not missing a case. With regard to the question of why would **R' Shimon** say that we don't listen to him, it may be because the partner who is getting the larger piece can say, "if you want me to pay for that extra piece, I don't have money to pay, and if you want to give it to

me as a gift, I don't want to accept, because the pasuk says 'v'sonei matanos yichyeh'".

- **Abaye** told **R' Yosef**, the view of **R' Yehuda** is the view of **Shmuel** (his rebbi). Our Mishna said, with regard to sefarim owned in partnership, even if both partners want to divide it we do not allow them to do so. **Shmuel** said, this is only if there is one sefer, but if there are 2 sefarim, they can divide it by each taking one. Now, if we don't hold that one can demand a buyout, even if there are two they should not be able to force a division (presumably they are worth different amounts and one partner will have to pay for the difference)!
 - **R' Salman** said, **Shmuel** may be discussing where both partners want to divide, but if they did not want to, it may be that he cannot be forced to do so.
- **Ameimar** said, the halacha is that we do allow for a partner to demand to be bought out or to buy the other partner out. **R' Ashi** asked, what about the view of **R' Nachman**? **Ameimar** said that he doesn't hold of **R' Nachman's** view.
 - **Q:** How could he say that we don't pasken like **R' Nachman**? We find that **Rabbah bar Chinina** and **R' Dimi bar Chinina** inherited 2 maidservants from their father – one that knew how to bake and cook and one that knew how to sew and weave. They argued on how to divide these assets. They went to **Rava** and **Rava** said we do not pasken that one can demand to buy out or be bought out. We see that we do pasken like **R' Nachman**!? **A:** That case is different, because each of the brothers needed both of the maidservants, and therefore each cannot be forced to take one rather than the other. Had one insisted on being bought out of his share in both maidservants, it would have been allowed.
 - **Q:** The earlier case of the 2 sefarim, where each partner needs each one, and yet **Shmuel** said that if there were two separate sefarim each partner could take one!? **A:** We said that **R' Salman** said, **Shmuel** may be discussing where both partners want to divide.
- A Braisa says, **R' Meir** says a person may attach sefarim (scrolls) of Torah, Nevi'im, and Kesuvim into one. **R' Yehuda** says Torah must be in a sefer by itself, Nevi'im must be in a sefer by itself, and Kesuvim must be in a sefer by itself. The **Chachomim** say that each book of the Nevi'im and Kesuvim must be written separately. **R' Yehuda** said, it happened that Baisus ben Zunin had 8 books of the Nevi'im together in one sefer, based on the word of **R' Elazar ben Azarya**. **Others** say that he had each book in a separate sefer. **Rebbi** said, it once happened that they brought us to use a Torah, Nevi'im, and Kesuvim all in one sefer, and we said it was valid. The Braisa continues, between each chumash in the Torah there must be a space of 4 lines, and the same is between each book in the Nevi'im. In the Navi of "Trei Asar" there need only be 3 blank lines between each book. However, if a book finishes on the bottom of a column, the next book can start at the very top of the next column (and no blank space needs to be left).
- A Braisa says, a person may attach sefarim (scrolls) of Torah, Nevi'im, and Kesuvim into one. At the beginning of the sefer one must leave enough blank parchment to wrap around the pole, and at the end of the sefer there must be left enough empty space to wrap around the entire sefer. If a book finishes on the bottom of a column, the next book can start at the very top of the next column (and no blank space needs to be left). If one wants to separate the books of the sefer, he may do so.
 - **Q:** A Braisa says, that at the beginning and the end, enough blank parchment must be left to wrap around. This Braisa seems to say that there is an equal amount of blank parchment needed in the beginning and the end, which is different than the last Braisa!? **A:** **R' Nachman bar Yitzchak** said, the Braisa does not mean that they are to be equal. With regard to the beginning it means that there has to be enough to wrap around the pole, and with regard to the end there has to be enough to wrap around the entire sefer. **R' Ashi** said, this second Braisa is referring to a Sefer Torah (which has two poles, and therefore does need an equal amount in the beginning and the end), like a Braisa says, that all other sefarim are rolled to the beginning or end, whereas a Sefer Torah is rolled to its middle, and is made with two poles.