



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

### Bava Basra Daf Yud Zayin

- A Braisa says, there were 6 people over whom the Malach Hamaves had no power (rather, they died by having their neshamos taken by Hashem directly): Avrohom, Yitzchak, Yaakov (by these 3 the pasuk uses the verbiage of "kol"), Moshe, Aharon, and Miriam (by them it says that their death was "ahl pi Hashem").
  - **Q:** It doesn't say "ahl pi Hashem" by Miriam!? **A: R' Elazar** said, Miriam is learned from a gezeirah shava from Moshe, on the word "sham". The reason it doesn't say "ahl pi Hashem" by her is because it would not be proper to write that for a woman.
- A Braisa says, there are 7 people whose bodies are not subject to decomposition: Avrohom, Yitzchak, Yaakov (by these 3 the pasuk uses the verbiage of "kol"), Moshe, Aharon, and Miriam (by them it says that their death was "ahl pi Hashem"), and Binyamin the son of Yaakov (the pasuk regarding him says "yishkon lavetach"). **Some** say that Dovid Hamelech is included in this group as well (based on the pasuk regarding him that says "ahf besari yishkon lavetach"). Those who say he does not belong in this group understands this pasuk as a tefilla to Hashem.
- A Braisa says, there are 4 people who died because of the sin of Adam Harishon (they would otherwise not have been deserving of death): Binyomin the son of Yaakov, Amram the father of Moshe, Yishai the father of Dovid, and Kilav the son of Dovid. They are all known based on a kabbalah, except for Yishai, for whom it learned from a pasuk.

### HADRAN ALACH PEREK HASHUTFIN

### PEREK LO YACHPOR -- PEREK SHEINI

#### MISHNA

- A person may not dig a bor (in his own property) near to the bor of his neighbor, nor dig a ditch, a cave, an irrigation canal, or a square ditch used to collect rainwater for purposes of laundering, unless he keeps it at least 3 tefachim away from the neighbor's wall, and lines his bor, etc. with lime.
  - Olives that remain after being in the press, animal waste, salt, lime, and fire generating stones must be kept at least 3 tefachim away from a neighbor's brick wall, or he must cover the wall with lime.
  - Seeds, the use of a plow, and urine must be kept at least 3 tefachim away from the neighbor's wall.
  - With regard to a mill, it must be kept at least 3 tefachim from the neighbor's wall when measuring from the lower millstone, which is 4 tefachim from the upper millstone.
  - With regard to an oven, it must be kept at least 3 tefachim from the neighbor's wall when measuring from the lower part of the oven, which is 4 tefachim from the upper part of the oven.

#### GEMARA

- **Q:** The Mishna begins by saying one may not dig near another bor, and then ends off by saying "unless he keeps it at least 3 tefachim away from the wall"! **A: Abaye** or **R' Yehuda** said, the Mishna means that it must be kept 3 tefachim away from the wall of the bor of his neighbor.
  - **Q:** Why didn't the Mishna just say "unless he keeps it 3 tefachim away from the bor"? **A:** The Mishna is teaching us that the standard wall of a bor is 3 tefachim wide. This makes a difference when one sells "a bor with the walls", in which case he must give 3 tefachim around the bor as well.

- We learned, if someone wants to dig a bor near his boundary (when there is no bor on the other side that would be damaged by his digging), **Abaye** said he can dig the bor all the way to the property line. **Rava** said, he must keep it at least 3 tefachim away from the boundary.
  - If the land he is digging in is used for digging boros, all would agree that he cannot dig within 3 tefachim to the boundary. The machlokes is with land in which a bor is not normally dug. In that case **Abaye** says, since it is not made for digging boros, he may go all the way up to the property line. **Rava** says, he must stay 3 tefachim away, because just like this person decided to dig a bor in this land, the neighbor may decide to do the same.
  - **Others** say that with land in which a bor is not normally dug all would agree that he can dig all the way up to the property line. The machlokes is regarding land in which boros are typically dug. **Abaye** says he may dig all the way by the property line even according to the **Rabanan** who say that one must plant a tree at a minimum of 25 amos from a bor, because in that case the bor is already there. However, in our case there is no other bor, and that is why he can dig all the way by the property line. **Rava** says he may not dig all the way to the property line even according to **R' Yose**, who says that one need not distance his tree from his neighbor's bor, because in that case when he plants the tree there are not yet any roots that will damage the bor. However, in our case, every dig of the shovel weakens the neighbor's property.
    - **Q:** Our Mishna said, "a person may not dig a bor near the bor of his neighbor". This suggests that the reason he must stay away from the property line is because there is already another bor there. This suggests that if there was no bor already there, he would be permitted to dig all the way to the property line. Now, according to the second version of the machlokes, we can say that the land is the type where boros are not typically dug, and that is why he may dig up to the property line. However, according to the first version of the machlokes, the Mishna fits well according to **Abaye**, but does not fit according to **Rava**!? **A:** **Rava** would say, we have learned that **Abaye or R' Yehuda** said that our Mishna taught that even the first bor had to leave a wall, which we said is 3 tefachim. This follows **Rava**, who says that a space must be left even between the first bor and the property line.
    - **Others** said the attempted proof differently. We learned that **Abaye or R' Yehuda** said that our Mishna taught that even the first bor had to leave a wall, which we said is 3 tefachim. Now, according to the first version of the machlokes this makes sense, because we will say that the Mishna is talking about land in which boros are typically dug, and all agree that it must be kept away from the property line. However, according to the second version of the machlokes, the Mishna fits well according to **Rava**, but not according to **Abaye**!? **Abaye** will answer, that the Mishna is discussing where the two neighbors come to dig boros simultaneously. In that case even **Abaye** agrees that they must stay at least 3 tefachim off the property line.
    - **Q:** A Braisa says, if the land has soil that is soft enough to be dug by hand, each neighbor may dig near the property line, but must distance 3 tefachim from the property line and apply lime to the bor walls. We see that even the first neighbor to dig must stay 3 tefachim away from the boundary!? **A:** When the soil is soft like that, all would agree that he must distance from the boundary.
      - **Q:** This is an obvious difference, so what was the thought to even bring this as a proof? **A:** The thought was that the same halacha would apply to harder soil, and the reason that the Braisa brought down the case of the soft soil was only to show that it doesn't need any *more* than the 3 tefachim.
    - **Q:** Our Mishna said, "olives that remain after being in the press, animal waste, salt, lime, and fire generating stones must be kept at least 3 tefachim away from a neighbor's brick wall, or he must cover the wall with lime". This suggests that the only reason it must be distanced from the boundary is because there is a wall there, but if there was not, he would even be able to use all the way up to the property line!? This refutes **Rava**!? **A:** Even if there was no wall he would

have to distance from the property line. The reason the Mishna even mentioned the case of the wall was to teach that these items are damaging to a wall.