



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

Bava Basra Daf Yud Ches

- **Q:** Our Mishna said that seeds, a plow, and urine must be kept 3 tefachim away from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to pile these items all the way to the property line, which refutes **Rava!**? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that moisture is harmful for a wall.
- **Q:** Our Mishna said that millstones must be distanced from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to put the millstones all the way to the property line, which refutes **Rava!**? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that vibrations are harmful for a wall.
- **Q:** Our Mishna said that an oven must be distanced from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to put the oven all the way to the property line, which refutes **Rava!**? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that heat is harmful for a wall.
- **Q:** A Mishna says that a person may not open a bakery, a dye factory, or a cattle barn underneath someone's storage room (it can damage the stored items). This suggests that if there was no storage room there at the time, he would be allowed to open these stores or the barn!? **A:** In this case he would be allowed to open these establishments if there was no storage room on top of him at the time, because a person opens these establishments in his home, and we are less restrictive on telling someone what he may not do in his home. In fact, a Braisa explicitly says so.
- **Q:** A Mishna says, a person may not plant a tree within 4 amos to his neighbor's field. A Braisa explains, that 4 amos must be left to allow for the plowing around the tree without going into his neighbor's field. This suggests that it is only a problem because of the plowing, but if not for that he would be able to plant up to the property line, even though the roots will eventually grow and cause damage!? **A:** The case of the Mishna is where there are rocks under the ground that separates between the two fields, preventing the roots from doing damage in the neighbor's field. This must be the case, as can be proven from the next part of the Mishna, which says, if there was a fence between the properties, each neighbor may plant a tree all the way up to boundary line. Now, this can only be right if there are underground rocks that separate.
 - **Q:** The Mishna then says that if one neighbor planted a tree and the roots grew into the neighbor's field, that neighbor is allowed to cut the roots to a depth of 3 tefachim so that they don't get in his way when plowing. Now, if the case is where there are underground rocks, how could the roots have gotten there!? **A:** The Mishna means to say, that if there are no underground rocks, and the roots grow into the neighbor's field, that neighbor is allowed to cut the roots to a depth of 3 tefachim so that they don't get in his way when plowing.
- **Q:** A Mishna says, a person may not plant a tree within 25 amos to a bor. This suggests that this is because the bor is already there, but if it was not there, he would even be able to plant it on the boundary line!? **A:** Even if there was no bor there, they would have to distance 25 amos. The Mishna gives the case of a bor to teach that roots of a tree can damage a bor up to 25 amos away.
 - **Q:** The Mishna continues and says, if the tree was planted before the bor was there, it does not need to be cut down. Now, if it must be distanced in any case, why would we think that it would have to be cut down? **A:** The case is like **R' Pappa** said, where a

person planted a tree well within his property, and then sold a piece of his property to a buyer, who then went and dug a pit (which is now near the tree). The Mishna teaches that this tree was planted legally, and therefore need not be removed.

- **Q:** A Mishna says that a person must distance his flax soaking area from his neighbor's vegetables, and his leek from the neighbor's onions, and his mustard from his neighbor's bees. This suggests that he must do so because the vegetables, onions, or bees were already in existence, but if they were not, he would be allowed to do so even at the boundary!?
A: Even if they were not yet in existence he would still have to distance these things from his boundary. The Mishna mentions the vegetables, onions, and bees to teach that those particular activities are harmful for these items.
 - **Q:** The Mishna then says, **R' Yose** allows him to put the mustard there, because he can tell his neighbor, "the same way you want me to move the mustard from your bees, I want you to move your bees from my mustard plants, because the bees come and eat the flowers of my plants!". Now, if he could not have put something that damages near the boundary to begin with, how could the mustard plants or the bees have been placed there to begin with!?
A: R' Pappa said, the case is where the person placed the item well within his field and then sold off part of his field (as explained above).
 - **Q:** If the case is that of a buyer, why do the **Rabanan** require him to remove it if it was placed there legally? Also, why does **R' Yose** only allow the mustard to remain, but not the other cases?
A: Ravina said, the **Rabanan** hold that the mazik must prevent the damage, and therefore he must remove the items even if they were put there legally.
 - **Q:** This suggests that he holds that **R' Yose** holds that the responsibility is on the nizik to prevent himself from getting damaged. If so, why must he remove the items in the cases other than the mustard?
A: R' Yose also holds the mazik must prevent the damage. However, he holds that in the case of the mustard, each side does damage – the mustard to the bees, and the bees to the mustard, and that is why he need not remove it. However, in the other cases, the flax damages the vegetables, but not visa-versa, etc., and that is why the damaging item must be removed. The **Rabanan** hold that the bees don't damage the mustard plants – they don't eat the seeds, and any leaves that they eat, grow right back.
 - **Q:** How can we say that **R' Yose** agrees that the mazik must prevent the damage? A Mishna says that **R' Yose** says one may plant a tree at his property line even if there is a bor of the neighbor on the other side. Clearly we see that he holds it is on the nizik to make sure to avoid getting damaged!?
A: R' Yose really holds that the responsibility is on the nizik. Therefore, he holds that in all the cases of the Mishna he need not remove the items (the flax water can stay, the leek can stay, and the mustard can stay). **R' Yose** is saying to the **Rabanan**, although you normally say that the mazik must remove the damaging item, at least agree with me that the mustard does not have to be removed, because it gets damaged by the bees just as much as the bees do damage to it. To that the **Rabanan** respond, that the bees don't damage the mustard plants – they don't eat the seeds, and any leaves that they eat, grow right back.