



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

Bava Basra Daf Chuf Daled

- **R' Chanina** had said that when the concepts of rov and karov produce different results, we follow rov over karov. **Abaye** said, we can learn this from a Mishna as well. The Mishna says that when blood is found in the "pruzdor" (the canal leading from the uterus to the outside of a woman's body), and this blood may have come from the uterus (which would make it tamei) or from the chamber above the canal (which would not be tamei), we say the woman is tamei, because we assume that the blood came from the uterus (which has more blood) and not from the chamber above, even though this chamber is closer. We see that the Mishna follows rov rather than karov!
 - **Rava** said, this is no proof. The uterus is a case of rov *and* "matzuy" (it is more frequent), and all would agree that when rov *and* matzuy conflict with karov, the two win out over the one.
 - **R' Chiya** taught a Braisa, that if blood was found in a woman's pruzdor, she is tamei to the extent that she would be chayuv a chatas if she were to enter the Beis Hamikdash, and any terumah that she touches would have to be burned.
 - **Rava** said, we learn 3 things from **R' Chiya**: 1) that he says we follow rov over karov; 2) we see that he holds that rov is a D'Oraisa concept; and 3) we see that he holds of **R' Zeira**, who said that one majority is enough for rov, and we don't need to have a double majority, because in this case he holds of rov over karov even though there is only one rov.
 - **Q: Rava** himself said that this is a case of rov *and* matzuy, and that is why it beats out rov, so how can this be a proof to **R' Chanina**!? **A: Rava** retracted from that and said that matzuy is not an important factor that makes a difference.
 - **Q: We** have learned, if a barrel of wine is found floating in the Peras River, **Rav** said that if it is found by a Jewish city it is mutar and if it is found near a non-Jewish city it is assur. **Shmuel** said, even if it is found by a Jewish city it is assur, because we say that it may have come downstream from the non-Jewish city of Hai Dakra. Maybe we can say that **Shmuel** holds like **R' Chanina** and **Rav** does not? **A: It** may be that all agree with **R' Chanina**. The machlokes here is that **Rav** holds that if it really came from Hai Dakra, it never would have made it so far downstream, whereas **Shmuel** holds that it may be that an exceptionally strong current came and swept it downstream.
 - **Q: There** was a barrel of wine found in a vineyard of orlah. **Ravina** said it was mutar (and was not considered orlah). Maybe this was because he holds of **R' Chanina**, and follow rov (of all other vineyards) and not karov (of the orlah vineyard in which it was found)? **A: Even** if he doesn't hold of **R' Chanina**, he would say it is from another field, because people wouldn't steal wine and then hide it in the field from which they stole it. However, if it were grapes that were stolen, we would have to be concerned that they hid it in the field from which it was stolen.
 - **Q: There** were leather bags of wine that were found in the vines of a Jew. **Rava** said the wine was mutar. Maybe we can say that he does not hold of **R' Chanina** (because he seems to favor karov over rov)!? **A: The** case was where most of the people who pour wine into bags are Jews, so rov said the wine was mutar as well. However, this is only if the bags found were large bags used by wine sellers. If the bags were small, we would have to be concerned that they fell from passersby. If there were large bags found along with the small bags, even the small ones would be mutar, because we would say that the Jewish wine seller used the small bags to help balance the load on his animal.

MISHNA

- One must distance a tree 25 amos from a city, and if the tree is a carob or sycamore tree, it must be distanced 50 amos. **Abba Shaul** says, all non-fruit trees must be distanced 50 amos from a city.
 - If the city was there before a tree was planted in close proximity to it, we chop down the tree and don't have to pay the owner of the tree for having done so. If the tree was planted there before the city was built, we chop down the tree, but must pay the owner for the value of the tree. If we are unsure whether the tree was there first or the city was there first, we cut down the tree and need not pay the owner.

GEMARA

- **Q:** Why does a tree have to be distanced from a city? **A: Ulla** said, it is for the beauty of the city (empty space around the city beautifies the city).
 - **Q:** A Mishna already says that one may not plant within the 1,000 amos surrounding a city. So what is our Mishna adding? **A:** Our Mishna is necessary according to **R' Eliezer**, who says that the other Mishna only applies to the city belonging to the Levi'im. Our Mishna is needed to teach the issur for every city. And, even according to the **Rabanan**, the other Mishna only makes it assur to plant grain, not trees. Our Mishna teaches that planting trees is assur as well, for the sake of the beauty of the city.
 - **Q:** Where do we see that there is a difference between planting grain and trees?
A: We see it in a Braisa. The Braisa says, if a karfaf larger than a beis sasayim was enclosed for dwelling purposes, and then the majority of the area was planted with something other than trees, it becomes a "garden" and is assur to carry in. If trees are planted in the majority, it retains its residential status (as a chatzer) and remains mutar to carry in.

V'IHM HA'IHR KADMA KOTZEITZ V'EINO NOSEIN DAMIM...

- **Q:** Why is that a Mishna teaches that when a tree is planted in close proximity to a bor, the tree must be cut down, but the owner must be paid, and in our Mishna the tree is cut down and the owner need not be paid? **A: R' Kahana** said, it is not simple to get a tzibbur to chip in to pay, and therefore, if we would have to wait for that to happen, the tree wouldn't get cut down.
 - **Q:** Why can't we just say that there is a difference between damage to an individual and damage to the tzibbur!? **A:** Rather, **R' Kahana's** statement must have been made on the end of the Mishna, which said that if the tree was there before the city, it must be cut down, but the owner must be paid. On that the question is, why can't the owner of the tree demand to be paid before it is cut down? **R' Kahana** answers, it is not simple to get a tzibbur to chip in to pay, and therefore, if we would have to wait for that to happen, the tree wouldn't get cut down.

SAFEK ZEH KADAM V'SAFEK ZEH KADAM KOTZEITZ V'EINO NOSEIN DAMIM

- **Q:** Why is it that a Mishna teaches that when a tree is planted in close proximity to a bor, and it is uncertain whether the tree or the bor was there first, the Mishna says that we do not cut down the tree, and in our Mishna when there is a safek, we do cut down the tree? **A:** In the case of the bor, where if the tree was definitely there first it does not need to be cut down, when it is a safek we also say that it does not need to be cut down. In our Mishna, where even if the tree was there first it must be cut down, in a case of safek it must also be cut down. However, with regard to payment, we tell the tree's owner, if you bring proof that the tree was there first, we will pay you for the tree.

MISHNA

- One must distance a permanent granary 50 amos from a city. A person may also not make a permanent granary on his property unless there are 50 amos of his land around the granary to each side.
- One must distance a granary from the young trees and from the plowed field of his neighbor, far enough that it not cause them damage.

GEMARA

- **Q:** Why is it that the beginning of the Mishna requires 50 amos of distance, and the later part of the Mishna requires less? **A: Abaye** said, the later part of the Mishna is referring to a temporary granary.
 - **Q:** What is a “temporary granary”? **A: R’ Yose the son of R’ Chanina** said, it is a granary small enough that a shovel is not used for winnowing.
 - **R’ Ashi** said, the later part of the Mishna is actually explaining the first part (and is not a new halacha). It is saying, the reason a granary must be distanced 50 amos is so that it not damage the neighboring field.
 - **Q:** A Braisa says, a permanent granary must be distanced 50 amos from a city. Just as it must be so distanced from a city, it must also be distanced from a neighbor’s gourds, cucumbers, young trees, and plowed field, so that it not cause damage. Now, this Braisa makes sense according to **R’ Ashi’s** explanation of the Mishna, but is difficult according to **Abaye’s** explanation!? This remains a KASHYEH.
 - **Q:** It makes sense that a granary can damage gourds and cucumbers, because the flying chaff from the granary attaches to those growing plants and dries them out. However, what damage can the granary do to a plowed field? **A: R’ Abba bar Zavda** or **R’ Abba bar Zutra** said, it causes the field to be over fertilized, and ruins the seeds that are planted in that field.