



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

Bava Basra Daf Daled

- The Gemara mentioned Hurdus, and now tells the story of Hurdus. Hurdus was a slave in the house of the Chashmona'im. He desired a certain girl of that royal family. One day he heard a Bas Kol that said "any slave that revolts now will be successful". He went and killed out all of the house of the Chashmona'im, and left that girl alive. When the girl heard that he intended to marry her, she ran to the roof and yelled out "whoever says that he comes from the Chashmona'im is a slave, because there is no one of the family left except for me, and I am now jumping off the roof to my death". Hurdus preserved her body in honey for 7 years. Some say he did so to be mezaneh with her body, and some say he did so, so that people say he married into royalty and can therefore become a king. He then thought to himself, the only ones who will oppose me as king by darshening the pasuk that says that only a Yid can be a king, and a slave cannot become a king, would be the Rabanim. He went and killed out all the Rabanim except for **Bava ben Buta**, so that he could act as an advisor to the king. To make sure that he not oppose him, he blinded him. One day Hurdus wanted to test **Bava's** loyalty. He went to him (making believe he was someone else) and said "Have you seen what that wicked slave is doing!?" **Bava** said, "What can I do?" Hurdus said, "you can curse him". **Bava** answered with a pasuk that says one should not curse a king even in his thoughts. Hurdus said, "but this person is not truly a king!?" **Bava** said, even if he is only a rich person, the pasuk says not to curse a rich person even in the secrecy of your bedroom, and even if he is only a nasi, the pasuk says "a nasi of your nation you should not curse". Hurdus said, that applies to a nasi who acts properly, but this person does not!? **Bava** said, I am afraid of him and will therefore not curse him. Hurdus said, it is only you and I here, so there is no one who will go back and tell him what you have done. **Bava** said, the pasuk says that the birds carry the sounds (meaning, there is no such thing as a secret conversation). Hurdus then revealed who he was, and said "had I known the Rabanim are so smart, I would not have killed them out! Now that I did, what can I do to fix that?" **Bava** told him, you extinguished the light of the world, you should now go and busy yourself to bring back light to the world, by rebuilding the Beis Hamikdash. Hurdus said "I am afraid to do so because of the Roman government". **Bava** told him, send a messenger to ask permission from Rome. However, have him travel for a year, stay in Rome for a year, and then travel back for a year. In these 3 years you should demolish the existing building and build a new Beis Hamikdash. Hurdus followed this advice and did so. When the messenger returned he said that he was instructed by Rome to tell him "if you have not yet demolished the old building, do not do so now; if you have already demolished it, do not build a new one; and if you already built a new one, you are like a wicked slave who asks permission after having already done something. If you are proud of what you have accomplished, we have your book of lineage here, which shows you are a slave".
 - It was said, whoever didn't see the Beis Hamikdash of Hurdus never saw a truly beautiful building. **Rabbah** said it was built with green and white marble. **Others** say it was blue, green, and white marble. He alternated the rows, placing one deeper and one protruding, which allowed him to cement them in place without the cement being seen on the outside. He wanted to cover it all in gold, but the **Rabanan** told him that it looked nicer without the gold, because it looked like waves in the ocean.
 - **Q:** How could **Bava** have advised Hurdus on how to do teshuva and escape punishment? We find that **R' Yehuda in the name of Rav** (or **R' Yehoshua ben Levi**) said that Daniel was punished because he told Nevuchadnetzar how to avoid punishment!?! **A:** We can either say that Hurdus was different, because he was a slave of a Yid, and was therefore chayuv in mitzvos, or we can say that this was different, because this was the only way that we could have gotten the Beis Hamikdash built.

- We find that Daniel was punished either by losing his high position in the government, or by being thrown into the lions' den.

HAKOL K'MINHAG HAMEDINAH

- The word "hakol" comes to include a place where the custom is to build a wall of palm branches or other branches. In such a place, such a wall would be acceptable.

LEFIKACH IHM NAFAL HAKOSEL...

- **Q:** This seems obvious!? **A:** This is needed to be taught for a case where the wall fell entirely into the reshus of one of them, or where one of them moved all the stones into his property. We would think that the other person would become a "motzi meichaveiro alav haraya". The Mishna teaches that he is not.

V'CHEIN B'GINA MAKOM SHENAHAGU...

- **Q:** The Mishna seems contradictory. It first says that in a garden if there is a custom to build a wall, it must be done, which suggests that without this custom he would not be obligated to do so. The next part of the Mishna then says, in a valley, if the custom is not to build a wall, we do not obligate him to do so. This suggests that absent this custom he *would* be obligated to build a wall!? If in a garden there is no automatic obligation, in a valley there should surely not be one (there is less need for privacy in the valley)!? **A: Abaye** said, the Mishna should be read as saying – "and similarly in a garden (without any custom to build a wall) and in a valley where the custom is to build a wall, they would be obligated to build a wall".
 - **Q: Rava** asked, the Mishna uses the verbiage of "but in a valley...". That doesn't fit according to **Abaye's** explanation!? **A: Rava** therefore said, the Mishna means to say as follows, "Similarly, a standard garden is considered like someplace where there is a custom to build a wall, and we would therefore obligate them to build one. However, a standard valley is considered to be like a place with a custom not to build a wall, and therefore we would not obligate them to build one".

ELAH IHM RATZA KONEIS L'TOCH SHELO...

- **Q:** What is the sign or indication that he should make on the outside of the wall to show that it is his wall? **A: R' Huna** said, he "bends" (makes wider) the top of the wall towards the outside.
 - **Q:** Why doesn't he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** When he makes it on the outside we should be concerned that the neighbor will cut off the widened piece at the top and claim that the wall belongs to both of them? **A:** Cutting it off makes it noticeable.
 - **Others** say that **R' Huna** said he bends the top of the wall towards the inside.
 - **Q:** Why doesn't he make it towards the outside? **A:** We are concerned that the neighbor will cut it off and claim that it belongs to both of them.
 - **Q:** Why aren't we concerned that the neighbor will attach a piece on his side and claim that it belongs to both of them? **A:** It is noticeable if something is attached later on.
 - **Q:** The Mishna says the sign should be made on the "outside"! This remains a kashyeh.
 - **R' Yochanan** said, he only needs to put lime on an amah of the wall from the outside.
 - **Q:** Why doesn't he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** Why aren't we concerned that the neighbor will peel off the lime on his side and claim that it belongs to both of them? **A:** It is noticeable if something is peeled off.
 - **Q:** If the wall is made of palm branches, what sign is made? **A: R' Nachman** said, the ends of the branches should protrude on the outside of the wall.
 - **Q:** Why doesn't he make it on the inside of the wall? **A:** Because the neighbor would then do the same thing on his side of the wall and claim that it belongs to both of them.
 - **Q:** When he makes it on the outside we should be concerned that the neighbor will cut off the ends and claim that the wall belongs to them both? **A:** He should coat the fence with mud, so that they can't be taken out.

- **Q:** Why aren't we concerned that the neighbor will peel off the mud on his side and claim that it belongs to both of them? **A:** It is noticeable if something is peeled off.
- **Abaye** said, the only effective sign for a fence like this is to have a document that shows ownership.

AVAL IHM ASU MIDAAS SHNEYHEM

- **Q: Rava MiParzika** asked **R' Ashi**, why do both have to make a sign? Why can't we just have neither of them make a sign? **A: R' Ashi** said, the case is that one of them went ahead and made a sign. Therefore, the other person has to make a sign as well, to prevent the first person from claiming full ownership.
 - **Q:** Is the Mishna teaching us how to deal with cheaters? **A: R' Ashi** said, the earlier part of the Mishna (where the owner makes a sign) is also done to deal with cheaters.
 - **Q: Rava** said, the earlier case makes sense, because it taught a halacha (that a wall need not be built, and therefore if one wants a wall he must pay for it on his own), and therefore also taught how to make the sign. However, in the later case there is no new halacha taught, only how to deal with a cheater!? **A: Ravina** said, this last case is talking about a wall of willow branches. The Mishna is teaching that a sign can be made for such a wall, not like **Abaye** said, that the only option is to have a document.

MISHNA

- If a person's fields surround the fields of another person on 3 sides, and the owner of the outer fields fenced in the 3 sides (and the inner field is therefore gated in on 3 sides), we do not obligate the owner of the inner field to help pay for the fence. **R' Yose** says, if the owner fenced in the 4th side, we would then require him to share the expense of all the fences on the other 3 sides as well.

GEMARA

- **R' Yehuda in the name of Shmuel** said the halacha follows **R' Yose**, whether the owner of the inner fields fenced in the fourth side or it was the owner of the outer fields who fenced in the fourth side.
- **R' Huna** says that **R' Yose** requires the inner field owner to pay his percentage of the actual cost – even if the outer fields owner built an expensive fence. **Chiya bar Rav** said he must only pay based on the cost of cheap reeds.
 - **Q:** Our Mishna says that we do not make the inner field owner pay for the 3 surrounding fences. This suggests that we would make him pay for the 4th fence. However, the Mishna then brings **R' Yose**, who says that if the 4th fence is put up, he would have to pay for all the fencing. Now, according to **R' Huna**, we can say that the machlokes is that the **T"K** says we assess his share based on cheap reeds and **R' Yose** says we assess based on actual cost. However, according to **Chiya bar Rav** who says that even **R' Yose** only requires payment based on cheap reeds, in what way would the **T"K** argue? What less could he pay? **A:** We can say that the **T"K** holds he must only pay the value of a watchman (which is less than cheap reeds), whereas **R' Yose** says he would have to pay based on cheap reeds. **A2:** We can also say that the **T"K** says the inner field owner must only pay his share of the fourth wall, but not for the first three walls, whereas **R' Yose** says he must pay his share for all 4 walls. **A3:** We can also say that the **T"K** holds that if the inner field owner fences the 4th side, that is when we would make him pay his share of all the fences, but if the outer field owner enclosed the fourth side, the inner field owner would only have to pay for his share of the 4th wall. **R' Yose** holds that no matter who it is that encloses the fourth side, if it is enclosed, the inner field owner must pay his share of all the fences. **A4:** We can also say that the **T"K** holds that no matter who it is that encloses the fourth side, if it is enclosed, the inner field owner must pay his share of all the fences. **R' Yose** holds that only if the inner field owner enclosed the fourth side must he pay for his share of all the fences, because by him enclosing the fourth side it shows that he is happy that he is now fully enclosed. However, if the outer field owner enclosed the fourth side, the inner field owner would have to pay nothing at all, since he does not show that he wanted to be enclosed in any way.