



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

Bava Basra Daf Ayin Ches

MISHNA

- If one sells a donkey without specifying what is included in the sale, the sale does not include the equipment. **Nachum Hamadi** says, it does include the equipment. **R' Yehuda** says, sometimes the equipment is included and sometimes it is not, for example, if the donkey was present with the equipment on it and the buyer said, "sell me this donkey of yours", it includes the equipment. However, if the buyer said "sell me it, your donkey", then the equipment is not included.

GEMARA

- **Ulla** said, the machlokes between the **T"K** and **Nachum Hamadi** is regarding the sack, saddlebag, and "kumni" (saddle used by women when they ride sidesaddle). The **T"K** holds the main use of a donkey is to ride on it, and therefore, these pieces of equipment, which are not used for that function, are not included, whereas **Nachum** holds that the primary use of a donkey is to haul items, and therefore, these pieces of equipment serve the primary function and are included in the sale. However, all would agree that the donkey's saddle, blanket, strap that straps the saddle down, and the "chevek" are all included in the sale.
 - **Q:** A Braisa says, if a seller says, "I am selling you my donkey and its equipment", the sale includes the donkey's saddle, blanket, strap that straps the saddle down, and the "chevek", but does not include the sack, saddlebag, or sidesaddle piece. If the seller said he is selling "the donkey and everything on it", then the sale includes all of the equipment. Now, this suggests that the equipment is included in the first case only because he said that he is selling the donkey "and its equipment", but if he didn't say that, it would not be included. This refutes **Ulla!** **A:** In truth the Braisa would hold that even without saying "and its equipment" that first list of equipment is included. The chiddush of the Braisa is, that even though he said "and its equipment", it still does *not* include the second group of equipment.
 - **Q:** What is the "kumni"? **A:** **R' Pappa bar Shmuel** explained, it is the saddle used by women when they ride sidesaddle.
- **Q:** Is the machlokes only when the equipment was on the donkey at the time of the sale, but if it was not, even **Nachum** would agree that the equipment is not included, or is the machlokes when the equipment is not on the donkey at the time of sale, but if it was, even the **T"K** would agree that it is included? **A:** The Braisa quoted above said, if the seller said he is selling "the donkey and everything on it", then the sale includes all of the equipment. This means that the case is that the equipment was actually on the donkey, and still, the hauling equipment is only included if he says "and everything on it". Now, this can only make sense if we say the machlokes is even when the equipment is on the donkey, for we can then say that the Braisa follows the view of the **Rabanan (T"K)**. If we say the machlokes is only when the equipment is not on the donkey, this Braisa would not be following any view!
 - **Q:** This is no proof. The case may be where the equipment is not on the donkey, and it is following the view of the **Rabanan**, and the Braisa is discussing where the seller says "I am selling you my donkey and everything that is fit to be on it".
 - **Q:** Maybe we can answer this from our Mishna. The Mishna said, **R' Yehuda** said there are times when the equipment is included and times that it is not. Presumably **R' Yehuda** is coming to be the middle ground between the **Rabanan**, who say the equipment is never sold, and **Nachum**, who says the equipment is always sold. This shows that the machlokes is even when the equipment is on the donkey at the time of

the sale! **A:** It may be that **R' Yehuda** was making a standalone statement, not in reference to the earlier machlokes.

- **Ravina** said to **R' Ashi**, the earlier Mishna said that the sale of a wagon does not include the sale of the mules. **R' Tachlifa** had taught a Braisa that says that the sale does include the mules. **R' Avahu** had asked that the Mishna says that it does not, and he then answered that the Braisa is discussing where the mules were attached to the wagon at the time of the sale. That must mean that the Mishna is discussing where the mules were not attached. Now, if that Mishna is discussing where the mules are not attached to the item being sold, our Mishna (which is a continuation of that earlier Mishna) must also be talking about where the equipment is not on the donkey at the time of sale. We see from here that this is the case of our Mishna!
 - The Gemara says, this is no proof, because we should look at the case of the even earlier Mishna in our perek, which discusses the sale of the ship and says that the cargo is not included in the sale. Now, that case is clearly talking about where the cargo is on the ship, which would suggest that our Mishna is therefore also talking about where the equipment is on the donkey. We see that we cannot bring a proof from these Mishnayos for the case of our Mishna.
- **Abaye** said, **R' Eliezer, R' Shimon ben Gamliel, R' Meir, R' Nosson, Sumchos, and Nachum Hamadi** all hold that when a person sells something, the sale includes the items that typically are used along with the primary item being sold.
 - **R' Eliezer** – he said in an earlier Mishna that one who sells an olive press includes the beam in the sale as well.
 - **R' Shimon ben Gamliel** – he said in an earlier Mishna that one who sells a city sells the santer as well.
 - **R' Meir** – he says in a Braisa that one who sells a vineyard includes all the necessary equipment in the sale.
 - **R' Nosson and Sumchos** – they both said that the sale of a ship includes the small boats attached to the ship that are used for getting to shore in shallow water.
 - **Nachum Hamadi** – he said in our Mishna that the donkey's equipment is sold along with the donkey.

R' YEHUDA OMER PE'AMIM MECHURIN...

- **Q:** What is the difference between the statement of “sell me this donkey of yours” (which he says means to include the equipment) and the statement of “sell me it, your donkey” (in which case it does not include the equipment)? **A: Rava** said, when he says “sell me this donkey of yours”, he is saying that he knows the donkey belongs the seller, and when he says “this” he therefore means to include the equipment in the purchase. When he says “sell me it, your donkey”, he is asking whether the donkey belongs to this seller, and therefore this is not taken to mean to include any equipment.

MISHNA

- If one sells a donkey, the young offspring is included in the sale. If one sells a cow, the calf is not included in the sale. If one sold a garbage dump, the manure is included in the sale. If one sold a bor, the water is included in the sale. If one sold a beehive, the bees are included in the sale. If one sold a dovecote, the doves are included in the sale.

GEMARA

- **Q:** If the seller said he is also selling the offspring, then why is the calf not included when he sells a cow? If he didn't say that he is including the offspring, then why is the baby donkey included? **A: R' Pappa** said, the case is where the seller said that he is selling a nursing donkey, or a nursing cow. When saying so in regard to a cow, he is telling the buyer that he will have a cow to milk. However, a donkey's milk is assur to drink, so when he says it is a nursing donkey, he must mean to include the offspring.
 - **Q:** Why is a baby donkey called a “siyach”? **A:** Because it follows someone who talks softly to it.
- **R' Shmuel bar Nachmeini in the name of R' Yonason** darshens pesukim to teach that the people who rule over their desires make an accounting of the pleasure of not doing a mitzvah vs. the reward for doing so, and the pleasure of doing an aveirah vs. the reward for not doing so. When

one does so, he is built up in this world and will be well established in Olam Habbah. However, if instead, a person doesn't make this cheshbon, and acts like a baby donkey, which follows nice talk, a fire will go forth from the tzaddikim and burn these people. The drasha continues, when the resha'im say that there is no need for an accounting, because they say there is no Hashem, Hashem tells them to wait until the Day of Judgement comes, and a great fire will come and make them suffer.

- **R' Yehuda in the name of Rav** darshens a pasuk to teach that anyone who separates from Torah will have a fire consume him.
- **R' Dimi in the name of R' Yonason** darshens a pasuk to teach that anyone who separates from Torah will end up in Gehenom.