



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

Bava Basra Daf Pey Gimmel

- **Q: Abaye** had brought a Mishna that supported **R' Nachman**, and not **R' Yosef**. The Gemara now asks, that same Mishna actually supports **R' Yosef's** view as well!? The Mishna says that **R' Meir and R' Shimon** say that a vineyard whose vines are only 8 amos apart may be seeded in between. This shows that even 8 amos apart is no longer considered to be a vineyard, like **R' Yosef** said! **A:** The earlier part of the Mishna that was a proof to **R' Nachman** brought an incident that took place in which they followed the halacha as **R' Nachman** says. **Abaye** felt that proof from an actual incident is a stronger proof than a simple Mishna.
 - **Q:** According to **R' Yosef**, he can be said to be following **R' Shimon**, and we know that **R' Shimon** holds (from the Mishna just quoted) that when the trees are at least 8 amos apart it is not considered a field of trees (or a vineyard), and from another Mishna we see that he holds that when they are closer than 4 amos, it is also not considered to be a field of trees. However, according to **R' Nachman**, who follows the **Rabanan**, although we have shown from a Mishna that they hold that at least 16 amos apart is no longer considered to be a field of trees, where do we see that they hold that closer than 8 amos is also not considered to be a field of trees? **A:** It is based on logic – just as **R' Shimon** halves the maximum to get to the minimum, the **Rabanan** must do the same.
 - **Rava** says, that it is considered to be a field of trees if the trees are spaced between 4 and 16 amos apart.
 - There is a Braisa that says like the view of **Rava**.
- **Q: R' Yirmiya** asked, when we measure the distance between the trees, do we measure from the narrower part of the trunks or from the wider part of the trunks? **A: R' Geviha of Kasil** said to **R' Ashi**, a Mishna says that we measure from the middle point.
 - **Q: R' Yirmiya** asked, what if someone bought 3 shoots of the same tree, and they are attached underground so that they look like 3 separate trees, does he get the land along with them as well or not? **A: R' Geviha of Kasil** said to **R' Ashi**, a Mishna says that if one bends vines into the ground and they grow into a new vine, we view the new vines as separate vines of a vineyard even though they are still connected to the parent vine underground. The same would be in our case.
- **Q: R' Pappa** asked, if a person bought two trees in a field and a third along the border, is the land included in the sale or not? **Q2:** What if he bought two trees in the seller's field, and one tree that belonged to the seller that was in an adjacent field? **TEIKU**.
- **Q: R' Ashi** asked, does a bor that is in between the trees act to separate the trees so that they are not considered to be a field of trees? What about an irrigation canal? What if there is a public path between the trees? What if there is a hedge of palms? **TEIKU**.
- **Q: Hillel** asked **Rebbi**, what if there was a cedar tree in between the trees? **A: Rebbi** said, he definitely acquires the land.
- **Q:** How must the trees be situated in order for them to be considered a field of trees? **A: Rav** said, they are standing in a straight line, and **Shmuel** said, they are in a triangle formation.
 - **Rav** would definitely agree that when arranged as a triangle they are considered to be a field of trees. **Shmuel** would say that when arranged in a straight line the land would not be included, because such land in between such trees is easy to plant, and the seller therefore surely does not mean to include it in the sale.
 - **Q: R' Hamnuna** asked, if the reason that the land is included when the trees are in triangular formation is because it is difficult to plant in between them, then when three large thorn bushes are sold, the land should be included as well, because it is difficult to plant between them!? **A: Shmuel** would say, that thorn

bushes are not significant enough to say that the land is included in the sale along with them.

MISHNA

- If someone sells the head of a large animal, the sale does not include the legs. If he sells the legs, the sale does not include the head. If he sells the lungs, the sale does not include the liver, and visa-versa. However, when selling a small animal, the sale of the head includes the sale of the legs, but the sale of the legs does not include the sale of the head; the sale of the lungs includes the sale of the liver, but the sale of the liver does not include the sale of the lungs.
- There are 4 rules with regard to sales: if the seller was supposed to sell superior wheat and it was found to be inferior wheat, the buyer may void the sale; if the seller was supposed to sell inferior wheat and it was found to be superior wheat, the seller may void the sale; if seller was supposed to sell inferior wheat and it was found to be inferior wheat, or if the seller was supposed to sell superior wheat and it was found to be superior wheat, neither party may void the sale; and if the seller was supposed to sell red wheat and it was found to be white or visa-versa, or if he was supposed to sell olive wood and it was found to be sycamore wood or visa-versa, or if he was supposed to sell wine and it was found to be vinegar or visa-versa, either party may void the sale.

GEMARA

- **R' Chisda** said, if the seller sold something that was worth five, for six, and it then went up in value to 8, it is still the buyer who was cheated initially, and it is therefore the buyer who can void the sale, but not the seller, because the buyer can tell the seller, "Had you not cheated me initially and then the price would have risen you would not be able to void the sale, so the fact that you cheated me cannot give you the ability to now void the sale". **R' Chisda** said, we see this from our Mishna's case that says, if the seller was supposed to sell superior wheat and it was found to be inferior wheat, the buyer may void the sale, but not the seller. Now, the case must be that the price of the wheat then rose (because if not, it is obvious that the seller cannot void the sale), and still we see that the seller cannot void the sale.
- **R' Chisda** also said, if the seller sold something that was worth six, for five, and it then went down in value to three, it is the seller who was cheated initially, and it is therefore the seller who can void the sale, but not the buyer, because the seller can tell the buyer, "Had you not cheated me initially and then the price would have fallen you would not be able to void the sale, so the fact that you cheated me cannot give you the ability to now void the sale". **R' Chisda** said, we see this from our Mishna's case that says, if the seller was supposed to sell inferior wheat and it was found to be superior wheat, the seller may void the sale, but not the buyer. Now, the case must be that the price of the wheat then fell (because if not, it is obvious that the buyer cannot void the sale), and still we see that the buyer cannot void the sale.
- **Q:** Both of these halachos of **R' Chisda** seem to be taught clearly in the Mishna, so why did **R' Chisda** feel the need to teach them? **A:** If **R' Chisda** would not have explained the Mishna, we would say that in **R' Chisda's** two cases either party could void the sale, and the chiddush of the Mishna is that when it is found to be inferior wheat the buyer can void the sale. This is a chiddush, because we would think to say that since a buyer always belittles the product he is buying (because he is looking to drive a bargain), we would say that he knew it was inferior and therefore can't void the sale. The Mishna therefore teaches that a misrepresentation of the quality of the wheat *is* a valid reason for the buyer to void the sale.