



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

Bava Basra Daf Tzaddik Ches

MISHNA

- If one sells wine and it then sours, he is not responsible to refund the money paid. If it is known that this seller's wine always sours, it would be considered a mekach ta'us. If the seller said to the buyer, "I am selling you flavorful wine (which will last as long as other high quality wines)", he must give him wine that will last at least until Shavuot. If the seller said he is selling "old wine", he must give wine from the previous year. If he said he is selling "aged wine", he must give wine that is already in its third year.

GEMARA

- **R' Yose the son of R' Chanina** said, the seller is only patur where the wine was poured into the buyer's keilim. However, if the seller sold the wine in his own keilim and the wine soured, the buyer can tell him, "here is your wine and here are your bottles" (it is your issue that the wine soured).
 - **Q:** Why should it make a difference if it was given in the seller's bottles? The seller should be able to say, "you shouldn't have left the wine in the bottles for such a long time!"? **A:** The case is that the seller said he is giving wine suitable for cooking, which must be able to last for a longer period of time.
 - **Q:** Why did **R' Yose** have to give an answer where he had to insert that the Mishna is discussing where the wine was put into the keilim of the buyer and that the seller said he is selling wine that is suitable for cooking? Why couldn't he just say that the case is where the wine was sold in the keilim of the seller and where the seller did not say that the wine is suitable for cooking, and that is why he is not responsible to pay? **A: Rava** said, he did so because of the Mishna's later case, which said that if the seller's wine is known to spoil, the sale is voided. Why in that case can the seller not say to the buyer, "you should not have kept the wine for such a long time"? It must be because the seller had said that the wine is suitable for cooking. Therefore, **R' Yose** wanted to explain the earlier part of the Mishna in this way as well.
 - This idea that if the wine was sold as cooking wine, and it remained in the keilim of the seller, the seller would be responsible for souring, argues on **R' Chiya bar Yosef**, who darshens a pasuk to teach that spoilage of wine is based on the mazal of the owner.
 - **R' Mari** darshens this same pasuk to teach that if a person is arrogant, even his wife and family will not respect him.
 - **R' Yehuda in the name of Rav** learns from this pasuk that if one wears the talis of a talmid chochom (to appear as if he is on that lofty level, when he is truly not), he is not let into Hashem's mechitza.
- **Rava** said, if someone sells wine to a storeowner to sell gradually over time, and it spoils when it is still a half or a third full, the seller must accept the return of the spoiled wine. Now, this is only so if the buyer did not change the location of the spigot. If he did, the seller would not be held responsible. Also, the seller is only responsible if the market day had not yet come, but if it did, the seller would not be responsible (because the buyer should have sold all the wine on the market day).
- **Rava** said, if one enters into an iska arrangement with wine, and the owner of the wine tells the working partner that he is to go to the port of Vol Shafat to sell the wine there, and by the time he arrived there with the wine there was a decrease in the price of wine, the owner of the wine must fully accept that loss.
 - **Q:** What would the halacha be if the wine turned to vinegar by the time he reached that port? **A: R' Hillel** said to **R' Ashi**, when we were by **R' Kahana** he told us that in that case

the owner does not bear the entire loss, and not like **R' Yose the son of R' Chanina** said. **Others** said that he would bear the entire loss, in accordance with the view of **R' Yose the son of R' Chanina**.

YASHAN MISHEL ISHTAKAD...

- A Braisa says, “aged wine” must be able to last until after Succos.

MISHNA

- If a person sells space, or one who accepts a contract to build a wedding house for his son on it, or to build a widow house for his daughter on it, **R' Akiva** says he must build a house that is at least 4x6 amos. **R' Yishmael** says that would be a barn!
- One who wants a barn should make it 4x6 amos. A small house should be 6x8 amos. A large house should be 8x10. A “traklin” should be 10x10. Its height should be equal to half of its length and half of its width. There is a proof to this – **R' Shimon ben Gamliel** says that this is the way that the Heichal was built.

GEMARA

- **Q:** Why is it that the Mishna mentions a son when giving the example of a wedding house, and a daughter when giving the example of the widow house? Why not say “a wedding house for his son or daughter, or a widow house for his son or daughter”? **A:** The Mishna is teaching another concept, that it is not proper for a son in law to live in the house of his father in law. This can be seen in the book of Ben Sira, where he writes, “I have weighed all on a scale and have found nothing worse than bran, however, a son in law who lives in his father in law’s house is even worse than that, and worse than him is a guest who brings another guest, and even worse than him is someone who gives an answer before he fully hears the question.

R' YISHMAEL OMER REFES BAKAR HEE ZU...

- **Q:** Who is the one who gave the measurements of the barn in the Mishna? **A:** Some say it is **R' Yishmael** and some say it is **R' Akiva**. If it is **R' Akiva**, he is saying that although the house mentioned earlier is the size of a barn, there are times that people make a house that size. If it is **R' Yishmael**, he is saying that it can’t be that a house can be built to be 4x6 amos, because that is the size of a barn!

TRAKLIN YUD AHL YUD

- **Q:** What is a traklin? **A:** It is a large room with many windows, which they would decorate with roses.
- A Braisa says that a “kanteir” should be built to 12x12.
 - **Q:** What is a kanteir? **A:** It is a courtyard of a mansion.

RUMO KACHATZI ARKO...

- **Q:** Who is the Tanna who stated the proof? **A:** Some say it was **R' Yishmael**, and when the Mishna asked for a proof, he responded that that is the way the Heichal was built. Others say it was the **T”K**, and as he was about to state the Heichal as his proof, **R' Yishmael** cut him off and said, “You want to bring a proof from the Heichal? Does everyone build their houses like the Heichal!”
- A Braisa says, **Others** say that the height must be the same as the length of the roof beams which are laid across the width of the house.
 - **Q:** Why not just say that the height must be like the width of the house? **A:** Either because a house is wider on the top, so the Braisa is teaching it must be equal to the width on the top of the house, or because the beams stick through the wall of the house, and are therefore longer than the width of the house.