

Maseches Bava Basra, Daf パーDaf つつ

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen,

A"H vl'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf プ---18-----

- **Q:** Our Mishna said that seeds, a plow, and urine must be kept 3 tefachim away from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to pile these items all the way to the property line, which refutes **Rava**!? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that moisture is harmful for a wall.
- **Q:** Our Mishna said that millstones must be distanced from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to put the millstones all the way to the property line, which refutes **Rava**!? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that vibrations are harmful for a wall.
- **Q:** Our Mishna said that an oven must be distanced from the neighbor's wall. This suggests that it is only because the wall was already there, but if it was not there yet, he would be allowed to put the oven all the way to the property line, which refutes **Rava**!? **A:** It would have to be distanced from the property line even if there was no wall. The reason the Mishna gives the case of the wall is to teach that heat is harmful for a wall.
- Q: A Mishna says that a person may not open a bakery, a dye factory, or a cattle barn underneath someone's storage room (it can damage the stored items). This suggests that if there was no storage room there at the time, he would be allowed to open these stores or the barn!? A: In this case he would be allowed to open these establishments if there was no storage room on top of him at the time, because a person opens these establishments in his home, and we are less restrictive on telling someone what he may not do in his home. In fact, a Braisa explicitly says so.
- **Q**: A Mishna says, a person may not plant a tree within 4 amos to his neighbor's field. A Braisa explains, that 4 amos must be left to allow for the plowing around the tree without going into his neighbor's field. This suggests that it is only a problem because of the plowing, but if not for that he would be able to plant up to the property line, even though the roots will eventually grow and cause damage!? **A**: The case of the Mishna is where there are rocks under the ground that separates between the two fields, preventing the roots from doing damage in the neighbor's field. This must be the case, as can be proven from the next part of the Mishna, which says, if there was a fence between the properties, each neighbor may plant a tree all the way up to boundary line. Now, this can only be right if there are underground rocks that separate.
 - Q: The Mishna then says that if one neighbor planted a tree and the roots grew into the neighbor's field, that neighbor is allowed to cut the roots to a depth of 3 tefachim so that they don't get in his way when plowing. Now, if the case is where there are underground rocks, how could the roots have gotten there!? A: The Mishna means to say, that if there are no underground rocks, and the roots grow into the neighbor's field, that neighbor is allowed to cut the roots to a depth of 3 tefachim so that they don't get in his way when plowing.
- **Q:** A Mishna says, a person may not plant a tree within 25 amos to a bor. This suggests that this is because the bor is already there, but if it was not there, he would even be able to plant it on the boundary line!? **A:** Even if there was no bor there, they would have to distance 25 amos. The Mishna gives the case of a bor to teach that roots of a tree can damage a bor up to 25 amos away.
 - Q: The Mishna continues and says, if the tree was planted before the bor was there, it does not need to be cut down. Now, if it must be distanced in any case, why would we think that it would have to be cut down? A: The case is like R' Pappa said, where a person planted a tree well within his property, and then sold a piece of his property to a buyer, who then went and dug a pit (which is now near the tree). The Mishna teaches that this tree was planted legally, and therefore need not be removed.

- Q: A Mishna says that a person must distance his flax soaking area from his neighbor's vegetables, and his leek from the neighbor's onions, and his mustard from his neighbor's bees. This suggests that he must do so because the vegetables, onions, or bees were already in existence, but if they were not, he would be allowed to do so even at the boundary!? A: Even if they were not yet in existence he would still have to distance these things from his boundary. The Mishna mentions the vegetables, onions, and bees to teach that those particular activities are harmful for these items.
 - Q: The Mishna then says, R' Yose allows him to put the mustard there, because he can tell his neighbor, "the same way you want me to move the mustard from your bees, I want you to move your bees from my mustard plants, because the bees come and eat the flowers of my plants!". Now, if he could not have put something that damages near the boundary to begin with, how could the mustard plants or the bees have been placed there to begin with!? A: R' Pappa said, the case is where the person placed the item well within his field and then sold off part of his field (as explained above).
 - Q: If the case is that of a buyer, why do the Rabanan require him to remove it if it was placed there legally? Also, why does R' Yose only allow the mustard to remain, but not the other cases?
 A: Ravina said, the Rabanan hold that the mazik must prevent the damage, and therefore he must remove the items even if they were put there legally.
 - Q: This suggests that he holds that R' Yose holds that the responsibility is on the nizik to prevent himself from getting damaged. If so, why must he remove the items in the cases other than the mustard? A: R' Yose also holds the mazik must prevent the damage. However, he holds that in the case of the mustard, each side does damage the mustard to the bees, and the bees to the mustard, and that is why he need not remove it. However, in the other cases, the flax damages the vegetables, but not visa-versa, etc., and that is why the damaging item must be removed. The Rabanan hold that the bees don't damage the mustard plants they don't eat the seeds, and any leaves that they eat, grow right back.
 - Q: How can we say that R' Yose agrees that the mazik must prevent the damage? A Mishna says that R' Yose says one may plant a tree at his property line even if there is a bor of the neighbor on the other side. Clearly we see that he holds it is on the nizik to make sure to avoid getting damaged!? A: R' Yose really holds that the responsibility is on the nizik. Therefore, he holds that in all the cases of the Mishna he need not remove the items (the flax water can stay, the leek can stay, and the mustard can stay). R' Yose is saying to the Rabanan, although you normally say that the mazik must remove the damaging item, at least agree with me that the mustard does not have to be removed, because it gets damaged by the bees just as much as the bees do damage to it. To that the Rabanan respond, that the yeat, grow right back.

-----Daf ひ^---19------

V'LO NIVRECHES HAKOVSIN...

- [Launderers would use two ditches of water one for soaking the clothes and one for scrubbing them]. R'
 Nachman in the name of Rabbah bar Avuha said, when the Mishna says that 3 tefachim is sufficient distance, that is only in regard to the soaking ditch, but for the scrubbing ditch, 4 amos are needed. We can prove this from a Braisa as well. The Braisa says that one must distance a laundering ditch 4 amos from the neighbor's wall. Now, how can that be, when our Mishna said 3 tefachim!? We must say like R' Nachman, and the Mishna and the Braisa are discussing the different ditches.
 - **Others** asked the Braisa as a contradiction to our Mishna, and answer using the statement of **R' Nachman**.
 - **R' Chiya the son of R' Avya** taught a Braisa that explicitly says that 3 tefachim is sufficient for the soaking ditch.

- **Q:** Does the Mishna mean that he must distance *and* line it with lime, or does it mean he must distance it *or* line it with lime? **A:** It must be "and", because if it means "or", this set of cases should be combined with the next set of cases in the Mishna (the olives after the press, the animal waste, etc.) where it is clearly "or".
 - This is no proof. It may be that the sets of cases were separated because they damage in different ways. The first set damage with moisture and the second set damage with heat.
 - Q: Maybe we can answer based on a Braisa. The Braisa says, R' Yehuda says, if the land has soil that is soft enough to be dug by hand, each neighbor may dig near the property line, but must distance 3 tefachim from the property line *and* apply lime to the bor walls. It seems that both measures are necessary only because we are dealing with soft soil. If not for that, he would not need to do both!? A: It may be that for harder soil he would still have to do both. The reason the Braisa gives the case of the soft soil is to teach that even in that case, distancing 3 tefachim is sufficient, and he need not distance more than that.

MARCHIKIN ES HAGEFES V'ES HAZEVEL...

- **Q:** These items all produce heat and therefore can damage the wall. However, a Mishna says, one may not insulate on Shabbos with the following, whether moist or dry: "gefes" (leftover pulp in the oil press after the oil has been pressed out), manure, salt, lime or sand. Why is it that our Mishna lists fire stones and the other Mishna lists sand? **A: R' Yosef** said, it is because people don't insulate with stones.
 - **Q: Abaye** asked, we find a Braisa that discusses insulating with wool shearings and purple wool, even though people don't typically insulate with those items either!? **A:** Rather, **Abaye** said, our Mishna says stones, but means to include sand as well, and the Mishna there says sand, but means to include stones as well.
 - Q: Rava asked, if that is true, one Mishna should have provided an all-inclusive list, and the other could have then just mentioned one item and we would know to add the rest!? A: Rather, Rava said, the reason our Mishna doesn't mention sand is because sand keeps a hot thing hot and a cold thing cold. Therefore, it would not produce heat that would damage a wall. The reason the other Mishna doesn't mention stones, is because using stones would damage the pot that is being insulated, and that is why it would not be used.
 - **Q:** We have learned that **R' Oshaya** taught a Braisa that includes sand in the items that must be distanced from a wall!? **A:** He was referring to wet sand, which produces moisture.
 - **Q**: Why doesn't our Tanna also list sand in the items that damage through moisture? **A**: The Tanna listed an irrigation canal, and wet sand can easily be learned from that.
 - **Q:** If so, why did he also list a launderer's water ditch? **A:** These are needed. An irrigation canal is more permanent, so we may think that only that must be distanced. The water in a launderer's ditch is stagnant, so we would think that only that must be distanced.

MARCHIKIN ES HAZRA'IM V'ES HAMACHAREISHA...

- **Q:** Seeds are placed in the plowed rows, so once we say the plow must be distanced, it becomes unnecessary to say that the seeds must be distanced!? **A:** The Mishna mentions it to cover the case of where one plants seeds in smaller, hand-dug holes.
- **Q:** Once we know that seeds must be distanced, we would know that plows must be distanced, because plowing is done for the seeds!? **A:** The Mishna mentions it to cover the cases of plowing done for trees.
- **Q**: Once we say that water must be distanced, why is there a need to mention seeds (which must be watered with irrigation)!? **A**: The Tanna is referring to EY, where the seeds can subsist on rainwater.
 - Q: If the reason for distancing seeds is not because of the water, will you say it is because their roots will grow sideways, into the neighbor's field? A Braisa says that one may plant seeds to the side of a buried vine branch, because it will not get nourishment from the branch, since it is off to the side!? A: R' Chaga in the name of R' Yose said, seeds must be distanced because their roots break up the ground, and cause loose earth to come up.

V'ES MEI RAGLAYIM MIN HAKOSEL...

- **Rabbah bar bar Chana** darshens a pasuk to teach that it is mutar for a man to urinate at the side of someone's wall.
 - **Q:** Our Mishna said that urine must be distanced 3 tefachim!? **A:** The Mishna is referring to pouring collected urine.
 - Q: A Braisa says, a person may only urinate near a brick wall if he distances himself 3 tefachim. If the wall is made of stones, he need only distance himself one tefach, if the wall is built on rocky ground, it is mutar to urinate right next to it. This seems to clearly refute Rabbah bar bar Chana!? TEYUFTA.
 - Q: Rabbah bar bar Chana's statement was based on a pasuk!? A: The pasuk was referring to a dog urinating, not a man.
- [The halacha is that a wall separates for purposes of tumas ohel. If there is an opening of 1x1 tefach in the wall, tumah passes through. However, if something is left in that opening, and will be left there permanently, it is considered to reduce the size of the opening]. **R' Tuvi bar Kisna in the name of Shmuel** said, a thin cookie left in the opening does not reduce the size of the opening (because someone will eventually take it away).
 - **Q:** Why does he specify a thin cookie? The same would apply if it was a thick cookie as well!? **A:** The chiddush is, even a thin cookie, which becomes disgusting when left there, is not considered to be permanently left there, and does not reduce the size of the opening.
 - Q: A cookie is mekabel tumah, and the halacha is that anything that is mekabel tumah cannot act as a barrier to prevent tumah!? A: He was referring to a cookie made with fruit juice (instead of water), and therefore it is not mekabel tumah.
 - **Q:** A Mishna says that straw in a box left in the opening in a way that the straw will stay there even if the box is removed, or dried figs in a barrel left in the opening in a way that the figs will stay there even if the barrel is removed, can reduce the size for purposes of tumah, and yet the straw will likely be taken for his animals!? **A:** The Mishna is referring to rotted straw, that can't be given to his animals.
 - Q: Even rotted straw is useful for the making of clay for bricks, and it will therefore not be left there!? A: The case is that the straw has thorns in it, and it therefore cannot be used for bricks.
 - **Q:** Even such straw can be used to fuel a fire, and it will therefore not be left there!? **A:** The case is that the straw is wet.
 - **Q:** It can still be used in a large fire!? **A:** A large fire is not common, and it is therefore considered to be unlikely that the straw will be removed.
 - **Q:** The figs can be eaten and will therefore be removed!? **A: Shmuel** said, the case is where the figs are wormy, and therefore won't be eaten. **Rabbah bar Avuha** taught this as well.
 - **Q**: What is the case of the barrel? If the opening of the barrel is facing the side where there is no tumah, the earthenware barrel itself should act to decrease the size of the opening!? **A**: It must be that the opening is facing the tumah, because in that way the earthenware barrel becomes tamei and therefore cannot act as a barrier to tumah. **A2**: It may be that the opening is facing the side where there is no tumah, but the barrel is made of metal, which becomes tamei even if the opening is not facing the tumah.

-----Daf ⊃---20------

• The Gemara earlier brought the statement of **R' Tuvi bar Kisna in the name of Shmuel** which said, if a thin cookie left in the opening of a wall and there is tumas meis on one side of the wall, the cookie does not reduce the size of the opening (because someone will eventually take it away).

Q: A Braisa says, grass that was placed or grew in the opening, material that is less than 3x3 fingerbreadths, a partially severed limb or flesh of an animal, a bird that perched in the opening, a goy that sat in the opening, a baby born in the 8th month that was put in the opening, salt, earthenware, or a Sefer Torah that was placed in the opening, all reduce the size of the opening for purposes of tumah. But, snow, hail, sleet, ice, and water do not reduce the size of the opening. Now, grass is likely to be removed for animal food!? A: The Braisa is discussing a poisonous grass.

- Q: Grass planted on a wall is harmful for the wall, so it will surely be removed!? A: Rabbah said, the case is with a wall of a ruin, so no one is concerned with damage done to the wall. R' Pappa said, the case is of grass planted more than 3 tefachim from the wall (it won't damage the wall) which reaches the opening in the wall.
- **Q:** Material less than 3x3 can be used for patches, and will thus likely be taken away!? **A:** The Braisa is talking about thick material, which can't be used for a patch.
 - **Q:** Even such small pieces can be used for the bloodletting process!? **A:** The Braisa is discussing sackcloth, which can't be used for the wound.
 - **Q:** It can't be referring to sackcloth, because the minimum size for sackcloth to be mekabel tumah is 4x4, not 3x3!? **A:** It is referring to material as thick and rough as sackcloth, but is not actually sackcloth.
- **Q**: Partially severed limbs and flesh are still attached to the animal, and the animal will move, taking this along with him!? **A**: The case is that the animal is tied up and can't run away.
 - **Q:** The owner will take it to shecht it!? **A:** It is a non-kosher animal.
 - **Q:** He will take it to sell it to a goy!? **A:** It is a lean animal, not worth killing for its meat.
 - **Q:** He will cut off the limb or flesh and feed it to the dogs!? **A:** Cutting it off would cause the animal pain, so he would not do it.
- **Q:** The bird perched in the opening will fly away!? **A:** The case is that it is tied up.
 - **Q:** The owner will take it to shecht it!? **A:** It is a non-kosher animal.
 - **Q:** He will take it to sell it to a goy!? **A:** It is a "klanisa" (a lean bird), not worth killing for its meat.
 - **Q:** He will take it and give to a child as a toy!? **A:** It is a bird that scratches, and therefore can't be used as a toy.
 - **Q:** A klanisa bird doesn't scratch!? **A:** It is like a klanisa in that it is lean, but it is not actually a klanisa.
- **Q:** The goy sitting in the opening will walk away!? **A:** The case is that he is tied up.
 - **Q:** His friend will come and untie him!? **A:** The goy is a metzora, so no one will come near him.
 - **Q:** His friend who is also a metzora will come and untie him!? **A:** The goy was tied up as a prisoner by the king, so no one will help to untie him.
- Q: The baby born in its 8th month will be taken away by its mother!? A: The Braisa is talking about on Shabbos, and this baby (because he cannot survive) is muktzeh.
- **Q:** Salt will be removed for his salting needs!? **A:** The Braisa is talking about bitter salt, which can't be used for salting food.
 - **Q:** It can still be used for salting hides!? **A:** There are thorns in the salt, and it therefore cannot be used for tanning.
 - **Q:** Salt is harmful for a wall, so the owner will come and take it away!? **A:** The salt is on a piece of pottery, and is therefore not harmful to the wall.
 - **Q:** Why can't the pottery itself decrease the size of the opening for purposes of the tumah? **A:** It is too small to be considered significant, and as such can't act as a barrier for tumah.
- Q: The earthenware keili will be taken away to be used!? A: The case is that it is dirty, and can't be used to store food.
 - **Q:** It can be used by a bloodletter!? **A:** It has holes, and therefore can't be used for that purpose either.
- **Q:** A Sefer Torah will be taken away so that it can be read from !? **A:** The case is that it is a worn out Sefer Torah, which can't be used for reading.
 - **Q:** It must be taken away so that it can be put in a safe place!? **A:** That place will be its safe place.

- **Rav** said, a mechitza may be made out of anything except for salt and fat. **Shmuel** said, it may even be made out of salt.
 - **R' Pappa** said, they do not argue. **Shmuel** is talking about very thick salt, and **Rav** is talking about thinner salt.
 - Now that we find that Rabbah has said that salt can be used as the poles for which to lay a beam across and create an entranceway for purposes of Shabbos, because the salt keeps up the beam and the beam keeps up the salt, we can say that Rav is talking about a wall of salt without a beam on top, and Shmuel is talking about salt with a beam on top.

MARCHIKIN ES HAREICHAYIM ...

• Q: Presumably, the reason a mill must be distanced from the wall is because the vibrations are harmful for the wall. However a Braisa says that a donkey powered mill must also be distanced 3 tefachim from the wall, and yet such a mill does not create vibrations!? A: Rather, the reason a mill must be distanced from a wall is because the noise can damage the wall.

V'ES HATANUR...

• **Abaye** said, we see from here that the lower part of an oven juts out one tefach more than the upper part. The reason this is important to know is for commerce (that is how an oven must be made if no specification is given).

MISHNA

- A person may not set up a "tanur" oven in the lower floor of a house unless there is 4 amos of space on top of it. A person may not set up an oven in the upper floor of the house, unless there is 3 tefachim of plaster underneath it. With regard to a "kirah" oven, there need only be one tefach of plaster. If, with all this precaution, it still does damage, he must pay for the damage caused. R' Shimon says, the Rabanan gave these precautionary guidelines only so that one who follows them will be patur from having to pay for any damage.
- A person may not open a bakery or a dye factory or a cattle barn under the storage room of another.
 - In truth, they allowed a bakery and dye factory to be opened underneath a wine storage room, but they did not allow a cattle barn to be opened there.

GEMARA

- **Q:** A Braisa says that a tanur needs 4 tefachim of plaster under it and a kirah needs 3 tefachim!? **A: Abaye** said, that is referring to the larger ovens used by bakers. A regular tanur is equivalent to a baker's kirah.
- LO YIFTACH CHANUS...
 - A Braisa says, if the barn was there before the storage room, it is mutar to keep the barn there.
 - **Q: Abaye** asked, what if the upper floor was swept out and sprinkled (to settle the dust) to prepare its use for a storage room (but nothing was stored there yet), is it considered to be an existing storage room or not? What if he added windows in preparation of making it into a storage room? What if he built an upper level, but had not yet made it into a storage room? **TEIKU**.
 - **Q: R' Huna the son of R' Yehoshua** asked, what if he stored dates and pomegranates (which don't get ruined from the barn beneath it) in the storage room (do we say that it is understood that he will then store other, more sensitive items there as well)? **TEIKU**.

B'EMES B'YAYIN HITIRU ...

- A Braisa explains, they allowed a bakery and dye factory underneath a wine storage room, because the smoke from these improves the wine. However, the bad smell of a barn harms the wine.
- **R' Yosef** said, with regard to our wine, even the smoke of a candle is detrimental to it.
- **R' Sheishes** said, storage of "aspasta" is as bad as a cattle barn.

MISHNA

• If one of the residents of a chatzer wants to open a store in the chatzer, the other residents can stop him by saying "we cannot sleep from all the noise of the people coming in and going out of the chatzer". However, a resident may make keilim in his house and go and sell them in the marketplace, and the other residents cannot

stop him by saying "we cannot sleep from the noise of the hammer" or "from the noise of the mill" or "from the noise of the children".

GEMARA

- Q: Why is it that the complaint of the adult customers was a valid reason to stop him from opening a store, but at the end of the Mishna, the noise from the children (presumably also customers) is not a valid reason? A:
 Abaye said, the end of the Mishna is referring to someone who complains about customers in a neighboring chatzer, not his own.
 - **Q: Rava** asked, if so, the Mishna should say "one can open a store in another chatzer"? **A:** Rather, **Rava** said, the end of the Mishna is referring to someone who has children come into a chatzer to learn, and the Mishna is teaching that other residents of the chatzer cannot prevent that from happening. This is true after the takanah of **Yehoshua ben Gamla**, who instituted that there should be rabbe'im to teach children in every town. As we find that he initially set up rabbe'im in Yerushalayim, so that those whose fathers could not teach them Torah should have from whom to learn. He then set this up in all large areas, so that those who could not go up to Yerushalayim should also have rabbe'im. However, only the older students of 16 or 17 years old would go to learn, and they were too old to be totally accepting of their rebbi. He therefore instituted that there be rabbe'im in every city and town, so that even children of 6 or 7 years old can have a rebbi.
 - Rav told R' Shmuel bar Shilas, do not accept a student who is less than 6 years old. Once he turns 6, accept him and stuff him with Torah, even against his will.
 - Rav told R' Shmuel bar Shilas, if you must hit a child, do so with a shoelace (i.e. in a way that won't hurt him). If a child learns, that is great. If not, let him stay with his friends (and eventually he will begin to learn).

-----Daf ℵ⊃---21-----

- **Q:** A Braisa says, if a resident of the chatzer wants to become a mohel, a bloodletter, a weaver, or a teacher of children, the other residents of the chatzer may prevent him from doing so. We see that someone can prevent someone else from teaching children, which refutes **Rava**!? **A:** The Braisa is referring to teaching non-Jewish children.
 - Q: A Braisa says, if there are 2 residents in a chatzer, and one of them wants to become a mohel, a bloodletter, a weaver, or a teacher of children, the other resident may prevent him from doing so. We see that someone can prevent someone else from teaching children, which refutes Rava ?? A: This Braisa is also referring to teaching non-Jewish children.
 - Q: A Braisa says, a resident of a chatzer may not rent out his house to a mohel, a bloodletter, a weaver, a Jewish teacher, or a non-Jewish teacher. We see that we even limit a Jewish teacher!? A: This Braisa is dealing with the head teacher, who instructs all the other teachers, which causes a commotion, which is why it can be prevented from taking place in a chatzer.
- **Rava** said, from the time of the takana of Yehoshua ben Gamla, we may not make a child travel to a different town every day to learn (rather, the town in which he lives must hire a rebbi for him). However, we could make him travel from one neighborhood to the shul in another neighborhood. If a river separates the neighborhoods, we do not make him cross it, unless there is a wide bridge. If there is only a narrow crossing, we do not let him go.
 - **Rava** said, a rebbi can have 25 children in his class. If there are 50 children, there should be two rabbei'im. If there are 40, there should be an assistant, who the town must pay for.
 - Rava said, if there is a rebbi who teaches, and there is another rebbi available who can teach at a faster pace, we do not replace the first rebbi, because that would bring in a rebbi who would feel superior, and who would therefore possibly lose his drive, since he feels very secure in his position. R' Dimi of Neharda'ah said, hiring the second rebbi will make him motivated to continue his faster pace, because he would be concerned that the rebbi being replaced will try and find fault in him to the community.

- Rava said, if there are 2 rabbei'im for children, one who teaches at a fast pace but doesn't make sure the students are exact in their learning, and the other who does make sure but teaches at a slower pace, we appoint the one who teaches at a faster pace even though he is not as careful about the children's mistakes, because the mistakes will eventually be corrected by the children when they grow older. R'
 Dimi of Neharda'ah said we appoint the rebbi who is more careful with the children's mistakes, because once something is learned a certain way, it is difficult to correct. We find this with Yoav, who only killed out the males of Amalek, because he had read the pasuk as saying "timcheh es zachar (males) Amalek" instead of "zeicher".
- Rava said, a rebbi of children, a planter, a butcher, a mohel (or blood letter), and a town sofer, are all considered to have been warned and can therefore be told to leave without getting a warning. The general rule is, any position that causes an irreversible loss is considered to have already been warned.
- **R' Huna** said, if a resident of a mavuy set up a mill business (he grinded for other people or rented out the mill), and another resident of the mavuy wants to open a competing business in the mavuy, the first person may prevent him from doing so, because he would be taking from his livelihood.
 - **Q:** Maybe we can say that the following halacha supports **R' Huna**. The halacha is, that if a fisherman finds a place where fish are living, and he spreads his nets and traps, other fishermen may not spread their nets within a parsah to that area. This seems to be the same concept as **R' Huna**. **A:** It may be that the case of fish are different, because once they see the food in the trap they will absolutely go there, and therefore, it is considered as if they were already caught by the first fisherman. However, in the case of a regular business, it may be that he can't prevent a competing business from opening up.
 - Q: Ravina asked Rava, shall we say that R' Huna only follows R' Yehuda in a Mishna? The Mishna says, R' Yehuda says, a storekeeper may not give toasted grain or nuts to the children, because it makes them used to coming to his store. The Chachomim allow this. It seems that only R' Yehuda does not allow one to take customers from another!? A: R' Huna may even follow the Rabanan. The Rabanan hold like that in the Mishna, because they say he can tell the other storekeepers who complain, "You can give out better things to attract customers if you want", and therefore this is not an unfair advantage. However, in our case they would agree that he can claim that his livelihood is being taken from him.
 - Q: A Braisa says, a person may open a competing store next to the initial store, or a competing bathhouse next to the initial bathhouse, and the first owner cannot prevent it, because the competing owner can say, "You do what you want on your property, and I'll do what I want on mine". This seems to clearly refute R' Huna!? A: It is actually a machlokes among Tanna'im in a Braisa. The Braisa says, residents of a mavuy can prevent the residents from renting out their houses to a competing business, but they cannot prevent another resident from himself opening a competing business. R' Shimon ben Gamliel says, they can even prevent another resident of the mavuy from competing. R' Huna would hold like R' Shimon ben Gamliel.
 - R' Huna the son of R' Yehoshua said, it is obvious to me that even the T"K agrees that the resident of one town can prevent the resident of another town from coming into the first town and competing, but if the person of the other town is subject to the tax of the first town, he cannot be prevented from coming and competing. Also, a resident of a mavuy cannot prevent another resident of the mavuy from competing. However, can the resident of a mavuy prevent a resident of the same town, but of another mavuy, from coming into the first mavuy to compete? TEIKU.
 - **R' Yosef** said, **R' Huna** would agree that a rebbi of children could not prevent another rebbi of children to come and compete. This is based on the concept of "kinas sofrim tarbeh chochma".

-----Daf コン---22-----

• **R' Nachman bar Yitzchak** said, **R' Huna the son of R' Yehoshua** (who says that even the **T"K** agrees that people of a town may prevent people from another town from coming in and competing with an existing business) would agree that peddlers who go from town to town selling perfumes cannot be prevented from selling in a particular town. This is based on a takana of Ezra, that peddlers should go around and sell these items so that

these items always be available for the Jewish women. Now, this is only if they continue to be transient sellers, but if they want to set up shop permanently in a town, they may be prevented from doing so. However, if the peddler is one of the Rabanan, he may not be prevented from setting up shop permanently. We see that **Rava** did so for **R' Yoshiya and R' Ovadya**. The reason for this is so that it not disrupt his learning.

- There were people who sold baskets who came to sell their baskets in Bavel. The people of the city wanted to prevent them from selling there. Ravina told them, since there are many people who are not residents of this city, who come to buy in the city on the market day, we can't prevent this outside person from selling in the market. However, they can be limited to selling only on the market day, and only in the marketplace.
- There were people who sold wool, who came to sell their wool in Pum Nahara. The people wanted to prevent them from doing so. R' Kahana told the sellers, the people have the right to prevent you from selling here. The sellers said, we have sold here in the past on credit, and now need to be here to collect the money, and if we remain here to collect the debts and can't sell, we will not be able to live! R' Kahana told them, you can sell to earn as much as you need to live until you collect your debts, and then you must leave.
- **R' Dimi of Neharda'ah** brought dried figs on a ship to sell at the destination city. The Reish Galusa told 0 Rava, "go and see if R' Dimi is one of the young Rabanan, and if he is, make sure that no one competes with him in the marketplace". Rava told R' Ada bar Abba to check out R' Dimi. He went and asked him a question regarding tumah, and R' Dimi did not know the answer. R' Dimi asked him whether he was Rava, to which R' Ada bar Abba responded by hitting him with his stick on his shoe and saying, "Between me and Rava there is a huge difference, however you must agree that I am your rebbi, and Rava is therefore the rebbi of your rebbi". He did not give him exclusivity in the marketplace, and as a result all the figs spoiled. When R' Dimi told R' Yosef how he was embarrassed, R' Yosef told him, "Hashem will quickly pay back for your embarrassment". R' Ada bar Abba then died. R' Yosef felt that he was at fault for the death, because he cursed him. R' Dimi felt that he was at fault, because R' Ada bar Abba was punished for making R' Dimi's figs spoil. Abaye felt that he was at fault, because R' Ada would convince talmidim to leave Abaye and go learn by Rava. Rava felt that he was at fault, because R' Ada would push aside Rava's servant at the butcher shop to go first. R' Nachman bar Yitzchak felt that he was at fault, because R' Ada would always go and review the shiur with R' Nachman before R' Nachman would give it. One day R' Ada didn't come, because others had asked for help with Rava's shiur, that they had missed. When the Rabanan asked R' Nachman to begin the shiur, he said, "I am waiting for the bed (coffin) of R' Ada" (since he hadn't shown up to review with him, he said the only excuse would be if he had died). It was then heard that R' Ada did die. The Gemara says, it is most logical to say that he died as the result of **R' Nachman bar Yitzchak**.

MISHNA

- If someone has a wall next to the wall of his neighbor, he may not place another wall next to the neighbor's wall, unless he moves it 4 amos away.
- If someone builds a wall opposite the windows of his neighbor, he must make sure that it is either 4 amos above or below, and 4 amos away from the windows.

- **Q:** The Gemara understands the Mishna to mean, that if one had a wall within 4 amos to his neighbor's wall and his wall fell, he may not build another wall within 4 amos. Why was he allowed to put the first wall there to begin with? **A: R' Yehuda** said, the Mishna means to say, if someone wants to build a wall (for the first time) near the wall of his neighbor, he must distance it 4 amos.
 - Q: Rava asked, the Mishna clearly says that it is talking about where there was already an existing wall?
 A: Rather, Rava said, the Mishna is saying, if someone had a wall 4 amos away from his neighbor's wall, and the wall fell, he may not build a new one within 4 amos to the neighbor's wall. The reason is, people

walking in the 4 amos between the walls help to harden and strengthen the earth and the walls. Therefore, 4 amos of space must be left so that people will continue to walk in between the walls.

- Rav said, this is only true for the wall of a garden, because people will not walk on the inside of the garden wall. However, people will walk on the inside of a chatzer wall, and therefore one may build a wall within 4 amos to his neighbor's chatzer wall (the people will strengthen the ground by walking on the inside of the wall). R' Oshaya said, in both cases (a garden wall and a chatzer wall) one may not build it within 4 amos to the neighbor's wall).
 - **R' Yose bar Chanina** said, they do not argue. **Rav** is discussing an old city, where the ground around the chatzeiros have already been sufficiently hardened. **R' Oshaya** is discussing a new city, where the ground still needs to be hardened.
- Q: A Braisa explains our Mishna as follows. If someone builds a wall opposite his neighbor's window, he must make it 4 amos higher than the window, so that he not crouch down from the top of the wall and look into the window, or 4 amos lower than the window, so that he not stand on it and look into the window, and it must be away from the window, so that it not block the light coming into the window. The Braisa suggests that the only problem with getting closer than 4 amos is that it will block the light, not that it will prevent people from walking in between and hardening the ground!? A: The Mishna is talking about a wall that is perpendicular to the other wall. In such a case we are not concerned with the ability of people to walk in between.
 - Q: How far away does the wall have to be from the window so that it not block the light? A: R' Yeiva, the father in law of Ashyan bar Nadback in the name of Rav said, the width of a standard window.
 - **Q:** If it is so close, even if the wall is a lot taller he will still be able to look into the window!? **A: R' Zvid** said, the wall is a sloping wall, which he can't stand on.
 - Q: Our Mishna talks of a wall with a window, and presumably the issue is the blocking of light, and yet the Mishna says that he must distance the wall 4 amos!? A: The Braisa is discussing where there is one perpendicular wall on one side of the window. The Mishna is discussing where there are walls on both sides of the window.
- Q: A Mishna says that a wall must be distanced 4 amos from a neighbor's gutter, so that he has room to put a ladder to climb and clean the gutter. This suggests that the 4 amos are not needed to allow people to walk and harden the ground!? A: The Mishna is discussing a gutter on a slanted roof with an overhang, and distancing 4 amos from the gutter means the wall is more than 4 amos away at its base. That level of distance is not needed to allow people to walk (because less than that would be sufficient).

MISHNA

- A person must distance a ladder at least 4 amos from his neighbor's dovecote, so that an animal not climb the ladder and jump into the dovecote.
- A wall must be distanced 4 amos from a neighbor's gutter, so that he has room to put a ladder to climb and clean the gutter.

- Q: Shall we say that the Mishna does not follow R' Yose, who says that one neighbor may dig a bor at the property line from one side and the other neighbor may plant a tree at the property line from the other side? A: The Mishna can follow R' Yose, because R' Ashi in the name of R' Kahana said, that R' Yose would agree that where the damage is direct, it may not be done. In this case, it is possible that as he places the ladder against the wall, an animal will crawl out from a hole in the wall and climb into the dovecote. Therefore, even R' Yose would say that it may not be done.
 - **Q:** That would be a case of "grama"!? **A: R' Tuvi bar Masna** said, we learn from the Mishna that causing damage through grama is assur.

R' Yosef had small date trees that bloodletters would come and sit underneath. Ravens would come to eat the blood that was left there, and would then fly up and eat the dates of the tree.
 R' Yosef told the bloodletters to go somewhere else so that they not cause this loss. Abaye asked, what they are doing is only a grama!? R' Yosef said, R' Tuvi bar Masna said, we learn from the Mishna that causing damage through grama is assur. Abaye asked, but the bloodletters have established a chazaka to use that area!? He answered, R' Nachman in the name of Rabbah bar Avuha said, that one cannot make a chazaka for damage. Abaye asked, R' Mari said this refers to damage of smoke and R' Zvid said this refers to damage of using as a bathroom (but there can be a chazaka for other damage)!? R' Yosef answered, because I am so particular, the damage done by the ravens is to me like damage done by smoke or a bathroom.

MISHNA

• One must distance a dovecote 50 amos from a city, and a person may not make a dovecote in his property unless he owns 50 amos of land around it in all directions. **R' Yehuda** says, the area must be 4 kor (one kor in each direction), which is the distance that a dove can cover in one flight. However, if he bought the dovecote from the owner of the property, then even if the entire property is only ¼ of a kav, it retains its chazaka and may remain.

GEMARA

- **Q:** Is the distance that a dove can fly only 50 amos? A Mishna says that one may not set up traps to catch doves unless he does so 30 ris from the nearest settlement. This is a lot more than 50 amos!? **A: Abaye** said, they can fly a lot more than 50 amos, but they only eat from what they find in the first 50 amos (so when it comes to making sure they won't eat from another's grain, distancing them 50 amos is sufficient).
 - Q: Do they only fly 30 ris? A Braisa says that within a settlement one may not set up traps even if there is no dovecote within 100 mil!? A: R' Yosef said, the Braisa is referring to a settlement of vineyards, and Rava said it is referring to a settlement of dovecotes. Both mean to say, that when they can fly with making stops along the way, they can travel much greater distances.
 - Q: According to Rava, it should be assur for the other dovecotes, not just because doves of a more distant dovecote can stop along the way!? A: Either we can say that the case is that the other dovecotes belong to the one putting out the traps, so they don't pose a problem to him, or we can say that they belong to a goy, or we can say that they belong to hefker.

R' YEHUDA OMER BEIS ARBAAS KURIN...

- **R' Pappa or R' Zvid** said, we see from here that Beis Din pleads the case on behalf of a purchaser and on behalf of heirs.
 - **Q:** A Mishna already clearly says that Beis Din does so for an heir!? **A:** Our Mishna needed to teach with regard to a purchaser.
 - Q: Another Mishna already says this!? The Mishna says, if someone bought a chatzer that has ledges or balconies that overhang the reshus harabim, it retains its chazaka and it may remain there (because we say that the seller must have built it legally, by pulling back onto his property)!? A: We need both Mishnayos. If we would only have the Mishna regarding the reshus harabim, we would say that we make the case for him there, because it is very possible that it was built legally by him having built the wall deeper into his own property, or we can say that the people of the reshus harabim were moichel this for him. However, in our case of the dovecote, we would say that we must be concerned that the seller forcibly placed the dovecote there. And, if we would only have our Mishna, we would say that since the seller was taking a right from an individual, it is possible that he convinced that person to be moichel (by paying him or some other method), but in the other Mishna, we would say that one cannot be said to "convince" the public or have the public be moichel, and therefore we would not make the case for him. That is why both Mishnayos are needed.

HAREI HU B'CHEZKASO

• Q: We have learned that R' Nachman in the name of Rabbah bar Avuha said, that there is no such thing as a chazaka for damage (so how can there be a chazaka for a dovecote, which does damage)!? A: R' Mari said, a chazaka can only not be established for smoke damage. R' Zvid said a chazaka can only not be established to use something as a bathroom.

MISHNA

- If a young bird is found within 50 amos of a dovecote, it belongs to the owner of the dovecote. If it was found beyond 50 amos, it belongs to the person who finds it.
- If a bird is found between two dovecotes, it belongs to the owner of the closer dovecote. If it is equidistant between the two, they divide it.

GEMARA

- **R' Chanina** said, when we are faced between a conflicting result if we follow "rov" (majority) or "karov" (proximity), we follow rov. This is so even though both of these concepts are D'Oraisa concepts.
 - **Q: R' Zeira** asked, the pasuk regarding "eglah arufah" says that we go to the closer city. This seems to hold true even if another city has more people (which would constitute rov)!? **A:** The pasuk is talking about a case where there is no larger city in the area.
 - Q: Still, since people could have come from anywhere in the world, we should have to give consideration to a larger city from anywhere in the world, and because we do not, we see that we follow karov over rov!? A: The case of the pasuk is where the city is in an isolated area, that is not travelled to by many people from elsewhere.
 - **Q:** Our Mishna said, that the bird belongs to the closer dovecote. This seems to be even if there is a larger dovecote that is further away!? **A:** The case is where there is no other dovecote in the area.
 - Q: If so, why do we say that if it is more than 50 amos away it belongs to the finder? Since there is no other dovecote in the area, it has surely come from the one dovecote that is there!? A: The Mishna is talking about birds that can hop, but cannot fly. R' Ukva bar Chama said that a bird does not hop more than 50 amos from its nest. Therefore, even if there is another, larger nest nearby, it is surely from the one that is within 50 amos.
 - R' Yirmiya asked, what if a bird is found with one foot within 50 amos to the nest and one foot outside the 50 amos? Does it belong to the owner of that nest? For asking this question, the Rabanan threw R' Yirmiya out of the Beis Medrash.
 - **Q:** The end of our Mishna said, that the bird belongs to the closer nest. Presumably, this is even if the further one is larger. This proves that we follow karov over rov!? **A:** The case is that the two nests are of equal size.
 - Q: Why don't we follow the rov of the world, and since this bird could have come from anywhere, the finder should be allowed to keep it!? A: The case is that the two nests are at opposite ends of a vineyard. The bird can only hop and cannot fly. However, in this case it is possible that it came from more than 50 amos away from one of those two nests, because a hopping bird continues to hop as long as it can turn around and see its nest. Therefore, it must be that it came from one of these two nests, and not from any other (because the vines block all other nests from sight).

-----Daf プン---24------

• **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.

- **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.

- **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.