



Daf In Review – Weekly Chazarah

Maseches Bava Basra, Daf טז – Daf ט

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

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

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- **Rabbah bar bar Chana** continued his story about his travels with an Arab merchant in the desert. He said, the merchant told me that he would show me Har Sinai. I went there and saw it surrounded with scorpions that looked like white donkeys. I heard a Bas Kol say, “Woe is to Me that I have sworn to put My Nation into galus, and now that I have, who can annul the neder for Me?” When I told this to the **Rabanan** they scorned me for not saying “It is hereby annulled for You!”
 - The reason **Rabbah** did not say that was because he thought the Bas Kol was referring to the Mabul.
- **Rabbah bar bar Chana** said, the merchant told me, I will show you where Korach and his people are swallowed up in the ground. I went and saw two cracks in the ground which were emitting smoke. The merchant took soaked wool and stuck it into the crack on top of a spear, and when he removed them they were burned. He told me to listen, and I heard the people saying “Moshe and his Torah are true, and we are the liars”. The merchant said, this happens every 30 days as they get stirred in Gehenom and rise to the surface.
- **Rabbah bar bar Chana** said, the merchant told me, I will show you where Heaven meets Earth. I went there and saw a place of many windows into Heaven. I put my breadbasket into a window. I then davened and went back for the basket, but it was gone. I asked whether there are robbers here. The merchant said, it is gone because the Heaven has rotated, and if you come back at the same time tomorrow, the basket will be there.
- **R' Yochanan** said, we were once going on a ship and saw a fish with its head sticking out of the water, and it had eyes that were like two moons. It had water pouring from its two nostrils like the two rivers of Sura.
- **R' Safra** said, we were once going on a ship and saw a fish with its head sticking out of the water, and it had horns that were engraved with the following: I am a small creature in the sea, and I am 300 parsas long, and I am now going to the mouth of the Livyasan. **R' Ashi** said, this fish is the sea-goat, which uses its horns to dig for food.
- **R' Yochanan** said, we were once going on a ship and saw a box with precious stones and diamonds, and the box was surrounded by the karsha fish. A diver went to get the box, but one of the fish went to attack him. He threw a bottle of vinegar at it, and the fish retreated. A Bas Kol said, “What business do you have with the box of the wife of **R' Chanina ben Dosa**, in which will be kept the techeiles for the tzadikim in Olam Habbah!”
- **R' Yehuda Hindu'ah** said, we were once going on a ship and saw a precious stone that was surrounded by a sea serpent. A diver went to get the stone, and the serpent came up and wanted to swallow the ship. A female raven went and cut off the serpent's head. There was so much blood that the water turned red. Another sea serpent came, took the stone, put it on the dead serpent, and the dead serpent came back to life. It again wanted to swallow the boat, and a bird came and again chopped off its head. The diver took the stone and threw it into the ship. The diver put the stone onto birds that were dead and salted for food on the ship. The birds returned to life, took the stone, and flew off.
- A Braisa says, it once happened that **R' Eliezer** and **R' Yehoshua** were going on a ship. **R' Eliezer** was sleeping. **R' Yehoshua** began to tremble and it woke up **R' Eliezer**. He asked **R' Yehoshua** why he trembled. He said it was because he saw a great light in the sea. **R' Eliezer** said, it may be that you saw the eye of the Livyasan.
- **R' Ashi** said, **Huna bar Nosson** told me, we were once going in the desert and had thigh meat with us. We took out the pieces that may not be eaten and put it onto some herbs to prepare for cooking. When we came back from collecting wood for a fire, the thigh was complete again (as if we had never taken out the assur pieces), and we roasted it whole. When we returned to this spot a year later, we saw that the coals were still burning. When we told this to **Ameimar**, he told us that the herbs were “samteri” (which heals cut flesh) and the coals were of “risma” wood (which burns for a very long time).
- The pasuk says, “Vayivra Elokim es hatanimim hagedolim”. In Bavel they said this refers to the re'eim of the sea. **R' Yochanan** said this refers to the Levyasan the straight snake, and the Levyasan the curved snake.

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- **R' Yehuda in the name of Rav** said, everything that Hashem created in this world was created in a male and a female version, including these two Levyasans. However, if Hashem would allow them to mate they would destroy the world. Therefore, Hashem made the male sterile and killed the female and salted it to preserve it for the tzaddikim to eat when Moshiach comes.
- The “beheimos” (referring to an animal comparable in size to the Levyasan) was created male and female. However, if Hashem would allow them to mate they would destroy the world. Therefore, Hashem made the male sterile and chilled the female to preserve it for the tzaddikim to eat when Moshiach comes.
 - **Q:** Why couldn't this approach be taken for the Levyasans as well (why did the female have to be killed)? **A:** Fish are more stooped in mating, and therefore, the only prevention to stop production of offspring was to kill the female.
 - **Q:** Why didn't Hashem do the reverse – kill the male and sterilize the female? **A:** Either because female fish meat is better, or because the pasuk says that Hashem plays with the Levyasan, and it would not be proper for that to be said with a female.
 - **Q:** Why didn't Hashem also kill and salt the female beheimos? **A:** Salted fish is good, but salted meat is not good.
- **R' Yehuda in the name of Rav** said, when Hashem wanted to create the world, He said to the Malach of the sea, “open your mouth and swallow all the water of the world”. The Malach said, “It is enough to ask me to hold my own water”. Hashem killed the Malach. **R' Yitzchak** darshens pesukim to teach that the dead Malach smells very bad, and it takes all the water of the sea to cover over the smell.
- **R' Yehuda in the name of Rav** said, the Yarden comes out from the Pamyas cave. A Braisa says this as well and says the waters continue to the Sivchi river, the Kineret River, into the Mediterranean, and finally into the mouth of the Levyasan.
- **R' Dimi in the name of R' Yochanan** darshens a pasuk to teach that there are seven seas and four rivers around EY. The 7 seas are: the Kineret, Sedom, Cheilas, Chilsa, Sivchi, Aspamya, and the Mediterranean. The 4 rivers are the Yarden, Yarmuch, Kiromyon, and the Pigah.
- **R' Dimi in the name of R' Yonason** darshens a pasuk to teach that when Moshiach comes, the Malach Gavriel will hunt down the Levyasan, and will only be successful in doing so with the help of Hashem.

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- **R' Dimi in the name of R' Yochanan** said, when the Levyasan is hungry, it lets out hot breath from its mouth, which heats all the deep waters. If not for the fact that its head is in Gan Eden, no one would be able to withstand its smell. When it is thirsty, it makes furrows in the sea. **R' Acha bar Yaakov** said, after it drinks, it takes the sea 70 years to get back to its original state.
- **Rabbah in the name of R' Yochanan** said, after Moshiach, Hashem will make a seudah for the tzaddikim with the flesh of the Levyasan, with the leftover flesh to be sold in the markets of Yerushalayim.
- **Rabbah in the name of R' Yochanan** said, after Moshiach, Hashem will make a succah for the tzaddikim with the skin of the Levyasan.
 - If a person merits, he will be in the succah. If he does not merit to that level, a place of shade will be made for him. If he merits even less, he will have a necklace made for him. If he merits even less, he will have a kameya made for him. The remainder of the skin will be put by Hashem over the walls of Yerushalayim, and it will shine from one end of the world to the other.
- A pasuk says that Hashem will make walls out of “kadmah” stone. **R' Shmuel bar Nachmeini** said that two Malachim – Gavriel and Michael – argue over what this stone is. Others say that it is two Amora'im – **Yehuda and Chizkiya, the sons of R' Chiya** – who argue. One says it is the “shoham” stone and one says it is the “yashfei” stone. Hashem said, let it be as they both said, and will build it out of both these stones.
 - The pasuk then says that Hashem will make the gates out of a carved out stone (one big stone). This is like **R' Yochanan** darshened, that Hashem will bring precious stones and diamonds that are 30x30 amos, and will cut into it an opening of 20x20 amos, and will put it at the gate into Yerushalayim. A certain

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talmid laughed and said, we don't even find diamonds the size of a small egg, do you really think there will be diamonds that large? Some time later, this talmid was on a ship and saw Malachim cutting diamonds that were 30x30 amos into pieces that were 10x20. When he asked them who these were for, they told him it is for when Hashem is ready to put them at the gates of Yerushalayim. The talmid went back and told **R' Yochanan** to darshen more, because he saw exactly as **R' Yochanan** had darshened. **R' Yochanan** told him, you only believe because you saw it!? If not, you would not believe the words of the Chachomim!? He looked at the talmid, and the talmid died.

- **Q:** A Braisa darshens a pasuk to teach that the walls of Yerushalayim were 100 amos high, which would need gates of more than 20 amos high!? **A:** **R' Yochanan** was talking about windows for ventilation, not the gateway.
- **Rabbah in the name of R' Yochanan** said based on a pasuk, Hashem will make 7 canopies for each tzaddik, and each tzaddik will get a chuppah appropriate for his level.
 - The pasuk says, one canopy will be made of smoke. **R' Chanina** explained, that is done to punish the people who were stingy with the tzaddikim on this world.
 - The pasuk says, one canopy will be made of fire. **R' Chanina** explained, that is done to show that a lesser tzaddik will be “burned” when he sees the splendor of the canopy of the greater tzaddik. Woe is to that sense of embarrassment.
- **R' Chama bar Chanina** darshened a pasuk to teach that Hashem made 10 canopies for Adam in Gan Eden. **Mar Zutra** darshened the pasuk to teach that there were eleven. **R' Yochanan** said, the cheapest material was the one made of gold, since it is mentioned last in the pasuk.
 - **R' Yehuda in the name of Rav** explained the next part of this pasuk to teach that Hashem told Chiram, King of Tzur, that when creating man, He thought of him and therefore created a person's need to rid himself of wastes (which is an embarrassing thing). **Others** say that it means that Hashem said He looked at Chiram and then felt the need to create death in this world.
- **Rabbah in the name of R' Yochanan** darshened a pasuk to teach that Yerushalayim of this world is different than Yerushalayim of the next world. Anyone who wants can travel up to the Yerushalayim of this world, but only those who are invited can go up to the Yerushalayim of the next world.
 - **Rabbah in the name of R' Yochanan** darshened a pasuk to teach that tzaddikim will be called by the Name of Hashem.
 - **R' Shmuel bar Nachmeini in the name of R' Yochanan** said, there are 3 people who are called by Hashem's Name - tzaddikim, Moshiach, and Yerushalayim.
 - **R' Elazar** said, the Malachim will one day say “kadosh” in front of the tzaddikim in the way that they now do for Hashem.
- **Rabbah in the name of R' Yochanan** darshened a pasuk to teach that Hashem will one day raise Yerushalayim 3 parsah high. **R' Pappa** said, even so, it will not make it more difficult to get to.
 - **R' Chanina bar Pappa** darshened pesukim to teach that initially Hashem intended to make Yerushalayim a particular size. The Malachim said to Hashem, all other cities are not given a limited size, so surely, Yerushalayim should not be. Hashem “agreed” and removed the limits.
 - **Reish Lakish** said, one day Hashem will add on to Yerushalayim 1,000 times 169 gardens, 1,000 times 210 towers, 1,000 times 146 castles, and 1,002 times 345 fortresses, and all will have huge populations in them like the city of Tzipori in its prosperous time.
 - A Braisa says, **R' Yose** said, I saw Tzipori in its prosperous time, and there were 180,000 marketplaces for people selling cooked stews.
 - **R' Levi in the name of R' Pappi in the name of R' Yehoshua of Sichni** darshened a pasuk to teach, that if the future Yerushalayim will be 3 times the size of today's Yerushalayim, then each apartment will have 30 stories of living spaces. If the future Yerushalayim will be 30 times the size of today's Yerushalayim, then each apartment will have 3 stories of living spaces.
- We have learned with regard to a ship, **Rav** says a person can make kinyan meshicha by pulling it even a tiny amount, and **Shmuel** says it is not a kinyan until it is moved totally out of the place that it was.

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- **Q:** Maybe we can say that this machlokes is the same as a machlokes among Tanna'im in a Braisa. The **T"K** of the Braisa says, meshicha on a small animal is done by making it even just lift a leg, whereas **R' Acha** says it must move the amount of its full length. Maybe we can say that **Rav** holds like the **T"K**, and **Shmuel** holds like **R' Acha**? **A:** **Rav** would say that he can even hold like **R' Acha**, because **R' Acha** only holds that way with living things, because lifting a leg does not move the animal, but with regard to a ship, once it moves a drop, the entire ship has moved. **Shmuel** would say that he even holds like the **T"K**, because the **T"K** only holds like that for living animals, where once they lift one leg they always then move the others. Therefore, once the animal moves one leg, it is considered to be meshicha. However, with a ship, moving it a minute amount does not move the entire ship from its original place, and therefore it is not a valid kinyan of meshicha.

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- We have learned with regard to a ship, **Rav** says a person can make kinyan meshicha by pulling it even a tiny amount, and **Shmuel** says it is not a kinyan until it is moved totally out of the place that it was.
 - **Q:** Maybe we can say that this machlokes is the same as a machlokes among Tanna'im in a Braisa. The Braisa says, one can be koneh a ship with meshicha. **R' Nossan** says one can be koneh a ship and promissory notes with meshicha or with a shtar.
 - **Q:** Why did **R' Nossan** even bring up anything about a promissory note if it wasn't addressed by the **T"K**? **A:** The Braisa is missing words. The **T"K** said that one can be koneh a ship with meshicha and a note with mesirah (giving over), and **R' Nossan** therefore said that each can be koneh with meshicha or shtar.
 - **Q:** A ship is moveable property, so why would a shtar be needed? **A:** **R' Nossan** must have said that one can be koneh the boat with meshicha and the note with a shtar.
 - **Q:** Based on this, **R' Nossan** is saying the same thing as the **T"K** regarding a ship!? Rather it must be that they argue in the machlokes between **Rav and Shmuel**, as to what constitutes meshicha! **A:** It may be that they both agree, either like **Rav** or like **Shmuel**, and the machlokes is only regarding the kinyan for a note – the **T"K** holds it must be done with mesira and **R' Nossan** holds it must be done with a shtar. In fact, we find a Braisa where **Rebbi** holds that a note can only be koneh with mesira and the **Rabanan** hold that shtar and mesira are needed.
 - **Q:** Based on this, we are saying that the **T"K** of our Braisa holds like **Rebbi**, but that can't be, because **Rebbi** says in a Braisa that a ship is koneh with mesirah, whereas the **Rabanan** say one can only be koneh a ship with meshicha or by renting the area in which the boat is sitting!? **A:** **Rebbi** is talking about where the ship is sitting in the reshus harabim, whereas the first Braisa is talking about where the ship is sitting in an area off the reshus harabim.
 - **Q:** If this later Braisa is talking about where the ship is in the reshus harabim, how can the **Rabanan** argue and say that one can be koneh the ship with meshicha (which can't be done in the reshus harabim) or until he rents the place!? Who is he renting the place from!? Further, **Abaye and Rava** both say that meshicha can't be done in the reshus harabim!? **A:** The **Rabanan** mean to say that he would have to do meshicha by taking the ship from the reshus harabim into a side street, or if the case was that the ship was in the owner's reshus, he would have to rent the area from him.
 - **Q:** Based on this, **Abaye and Rava** who say that mesira can be koneh in the reshus harabim only follow **Rebbi**, who says that mesira is koneh there, but not the **Rabanan**!? **A:** **R' Ashi** said, the **Rabanan** would agree that mesira can be koneh in the reshus harabim. The case of the Braisa is that the seller told the buyer to be koneh with meshicha. The **Rabanan** hold that the seller is particular about how the buyer is koneh,

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and if his instruction is not followed, the kinyan is invalid. **Rebbi** holds the kinyan would still be valid.

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- **R' Pappa** said, if one sells a promissory note he must write a document of sale and include the phrase “be koneh it and whatever liens are in it”.
 - **R' Ashi** said, I said this over to **R' Kahana** and asked him, it would seem that if this phrase is not used, he would not be koneh the right to collect the debt. Does the person buy the note to be used as a bottle cover!? Clearly he is buying it to collect on the debt!? **R' Kahana** told me, “Yes, without using that phrase it would have no use other than as a bottle cover”.
 - **Ameimar** said, the halacha is like **Rebbi**, that a note can be acquired with mesirah alone. **R' Ashi** asked him, is that a tradition that you have, or is it based on logic? **Ameimar** said it is based on a tradition. **R' Ashi** said, it is also logical, because a note is mere words, and words cannot be acquired with other words (i.e. a shtar).
 - **Q:** We find that **R' Chiya bar Avin the name of R' Huna** said, that if a seller writes a shtar of sale for a piece of land without the buyer present (which is something that may be done), as soon as the buyer makes a chazakah in the field, he is automatically koneh the shtar, wherever it may be. Now, there is no kinyan made on the shtar and yet he is koneh it (by the seller's willingness to give it to him). If this is enough to be koneh a shtar, then a shtar should certainly be enough to be koneh a shtar!? **A:** The buyer in that case is being koneh the shtar with kinyan agav, and that is why it works.

AVAL LO MACHAR LO ES HA'AVADIM...

- **Q:** What is “antiki”? **A:** **R' Pappa** said, it is the merchandise on the ship.

MISHNA

- If one sells a wagon without specifying what is included, the sale does not include the mules that pull it. If one sells the mules, it does not include the wagon that they pull. If one sells a yoke, he has not sold the cattle, and if he sold the cattle, he has not sold the yoke. **R' Yehuda** says, we look to the price to determine what is included. For example, if one agrees to buy a yoke for 200 zuz, it clearly can't be just for the yoke, so the cattle must be included in the sale. The **Rabanan** say that price cannot act as proof.

GEMARA

- **R' Tachlifa of EY** taught a Braisa in front of **R' Avahu** that said, if one sells a wagon, it includes the mules as well. **R' Avahu** asked, our Mishna says not like that!? **R' Tachlifa** asked if he should delete the Braisa. **R' Avahu** said, no, rather explain the Braisa as referring to where the mules were attached to the wagon at the time of the sale.

MACHAR ES HATZEMED LO MACHAR ES HABAKAR...

- **Q:** What is the case where **R' Yehuda and the Rabanan** argue? If the term “the yoke” is never used to include the cattle and visa-versa, then clearly we would not look to the price to determine what is included!? If the case is where people refer to cattle by the term “yoke”, then all would agree that a high price would show that the cattle are included!? **A:** The case is that people don't generally interchange the terms, but some people do. In that case **R' Yehuda** says the price can indicate what is included and the **Rabanan** say it does not.
- **Q:** According to the **Rabanan**, that the price doesn't prove anything, the sale should become batel because of the overcharge!? **A:** That is actually what the **Rabanan** mean – that the price does not determine anything, and therefore the sale will be batul. **A2:** The **Rabanan** only say that an overcharge makes the sale batel when the overcharge is in such an amount that could be based on the party having been mistaken. However, when it is a gross overcharge, that anyone should have realized, we say that the buyer meant to give the extra money as a gift.

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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

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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 to 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.

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MACHAR ASHPAH MACHAR ZIVLAH...

- A Mishna says, with regard to anything that is given to hekdesch, there is a halacha of me'ilah with them and with whatever is in them. For example, if someone gives to hekdesch: a bor full of water, a garbage dump full of manure, a dovecote full of doves, a field full of grass, or a tree laden with fruit, there is a halacha of me'ilah for the items and for what is in them. However, if gave to hekdesch: a bor that afterward became full with water, a garbage dump that afterward became full with manure, a dovecote that afterward became full with doves, a tree that afterward became full with fruit, or a field that afterward became full with grass, there is only a halacha of me'ilah for the item given to hekdesch, but not for the items inside these things. This is the view of **R' Yehuda**. However, **R' Yose** says, if one gives a field or tree to hekdesch, there is a halacha of me'ilah with them and the things that grow in them, because they are things that grew in hekdesch.
 - A Braisa says, **Rebbi** said, the words of **R' Yehuda** seem correct regarding the bor and dovecote, and the words of **R' Yose** seem correct regarding the field and tree.
 - **Q:** What does this mean? It makes sense to say that the words of **R' Yehuda** seem correct regarding a bor and dovecote, because this suggests that he argues with regard to the cases of the tree and field. However, by saying that **R' Yose** seems correct with regard to the tree and field, it suggests that he argues regarding a bor and dovecote, which is not the case!? In fact, a Braisa clearly says that **R' Yose** agrees with **R' Yehuda** except for the cases of the tree and the field!? **A:** **Rebbi** is saying, that the words of **R' Yehuda** appear correct to **R' Yose** in the cases of bor and dovecote, because **R' Yose** only argues in the cases of the tree and the field.
 - A Braisa says, if items were given to hekdesch when empty and they then became filled up, the items themselves are subject to me'ilah, but the items in them are not. **R' Elazar the son of R' Shimon** said that even the items in them are subject to me'ilah as well.
 - **Rabbah** said, the machlokes is regarding the case of a tree or field, and the machlokes is that the **T"K** holds like **R' Yehuda**, and **R' Elazar the son of R' Shimon** holds like **R' Yose**. However, in the case of a bor or dovecote, all would agree that there is me'ilah for the item itself, but not for the water or doves inside.
 - **Q: Abaye** asked, a Braisa says, if the items were given to hekdesch when full, there would be me'ilah for the items and for what is in them, but **R' Elazar the son of R' Shimon** reverses his view (and holds that the items inside are not subject to me'ilah). Now if the machlokes in the earlier Braisa is regarding a tree or field, that would mean that **R' Elazar** holds that fruit that grows after it becomes hekdesch is subject to me'ilah. If so, why would he reverse his view here? He would certainly hold that fruit that was given to hekdesch along with the tree is subject to me'ilah!? **A:** Rather, **Rabbah** said the machlokes in the earlier Braisa is regarding the case of the bor or dovecote, but in the case of the tree or field, all would agree that the tree and field, and the fruit and grass, are subject to me'ilah.
 - **Q:** What is the point of machlokes regarding when the bor or dovecote is given empty, and what is the point of machlokes when they are given already full? **A:** When they are given to hekdesch empty the machlokes is the same as the machlokes between **R' Meir and the Rabanan**. The **T"K** holds like the **Rabanan**, who say that a person can't give something that is not yet in the world (so he can't make hekdesch the water that is not yet in the bor), and **R' Elazar the son of R' Shimon** holds like **R' Meir**, who says that a person can give something that has not yet come into the world.
 - **Q: R' Meir** only holds that someone can do that when the thing is very likely to come into the world, like in the case of fruits that will grow on a tree, but in the case of the water in the bor or the doves in the dovecote, who says that they will come? **A: Rava** said, the case would be where his chatzer drains into the bor

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(so water is likely to come) or where he has other dovecotes nearby (and the doves of those will likely come and settle in this dovecote as well).

- **Q:** What is the point of machlokes when the person gave a full bor or dovecote? **A: Rava** said, the machlokes is when the person said he is giving the bor to hekdesh, but made no mention of the water. **R' Elazar** holds like his father **R' Shimon**, who says we compare giving to hekdesh to giving to an individual, and just as in that case a seller of a bor can claim that he never meant to sell the water in the bor, the same will be when one gives to hekdesh.
 - **Q:** Our Mishna said that when one sells a bor the water is included in the sale even if the seller did not specifically say so!? **A: Rava** said, the Mishna is a minority view. We have a Braisa that says that the **Rabanan** say that one who sells a bor does not include the water, and it is only **R' Nosson** who says that the water is included.

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MISHNA

- If someone buys the produce of a dovecote (the doves to be born), he must allow the first pair of doves that are produced to fly with the mother (they are not included in the sale).
- If someone buys the produce of a beehive (the bees to be produced), he takes 3 swarms of bees and then cuts off further production of bees.
 - If he bought the honeycombs, he must leave 2 honeycombs in the hive.
 - If he bought olive trees for the wood, he may only cut down to the lower 2 branches and must then leave those 2 (so that the tree will not die).

GEMARA

- **Q:** A Braisa says that the buyer of the doves must leave the first and the second pair!? **A: R' Kahana** said, the Braisa means that the first pair produced by the offspring of the mother bird (i.e. the first pair of the third generation) must be left as well. The Mishna agrees with that, but is only discussing the second generation.
 - **Q:** In the same way that the daughter is enough for company for the mother (which is why she is left for the mother), the mother should be enough company for the daughter, so why does the daughter's offspring have to be left for her? **A:** A mother becomes attached to her child, but a child does not become attached to its mother.

PEIROS KAVERES NOTEIL SHLOSHA NECHILIN UMESAREIS

- **Q:** In what way does the seller sterilize the bees after the first 3 swarms are taken? **A: R' Yehuda in the name of Shmuel** said, this is done by feeding mustard to them.
 - In EY they said in the name of **R' Yose bar Chanina**, that the mustard doesn't actually sterilize the bees. Rather, it gives a bad taste in their mouths, and they therefore spend their time on the honey, rather than on mating.
 - **R' Yochanan** said, when the Mishna says "seirus" it does not mean that the bees are sterilized, rather it means that the buyer takes 3 swarms on an alternating basis (the 1st, 3rd, and 5th).
 - A Braisa says, the buyer takes the first 3 swarms, but after that takes on an alternating basis.

CHALOS DEVASH MANI'ACH SHTEI CHALOS...

- **R' Kahana** said, honey in a beehive never loses its status as food (and therefore can always become tamei). We see that **R' Kahana** holds that honey in a beehive has the status of food even without the owner's intent that it be food.
 - **Q:** A Braisa says that honey in a hive is not considered a food or a drink (and does not become tamei)!? **A: Abaye** said, the Braisa is discussing the two honeycombs that are always left in a hive to sustain the bees. That honey does not get the status of food, because they are never removed from the hive. **A2:**

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Rava said the Braisa follows **R' Eliezer**, who says in a Braisa that a beehive is considered to be like land, and is therefore not mekabel tumah, and the same would be for honey in the hive.

- **Q:** A Braisa says that honey that flowed from a hive is not considered a food or a drink. This Braisa can be answered according to **Abaye**, but not according to **Rava** (even **R' Eliezer** would agree that once the honey left the hive it would be mekabel tumah)!? **A:** **R' Zvid** said, the case would be where the honey flowed onto a disgusting keili, and it therefore is not considered to be food. **A2:** **R' Acha bar Yaakov** said the case is where the honey flowed onto splinters of wood.
- **Q:** A Braisa says, honey in the hive is not considered a food or a drink. If the owner decided to use it as food, it becomes tamei as food would. If he decided to use it as a drink, it becomes tamei as drinks would. Now according to **Abaye**, the Braisa can be explained to be talking about the two honeycombs that are usually left in the hive. However, according to **Rava** this Braisa is problematic!? **A:** **Rava** would say, the Braisa should be read as saying, if he thought of it as food it does *not* become tamei like food, and if he thought of it as a drink, it does *not* become tamei as a drink. With this explanation, the Braisa can be following the view of **R' Eliezer**.
- There is a Braisa that says like **R' Kahana**. The Braisa says, honey in the hive becomes tamei as food even if the owner did not have a thought to eat it.

ZEISIM LAKOTZ MANI'ACH SHTEI GRUFIYOS...

- A Braisa says, if someone buys a tree with the intent to cut it down, he must leave a stump of a tefach (to allow the tree to grow back). If it is a virgin sycamore, he must leave a stump of 3 tefachim. If it was a pruned sycamore, he must leave 2 tefachim. If they were reeds or grapevines, he must leave from the bottom knot. If they were palms or cedars, he can dig and uproot them, because they cannot grow back in either case.
 - **Q:** A Mishna says that **R' Yehuda** says, a virgin sycamore may be cut on shmitta only if it is cut to the ground or left 10 tefachim high. This suggests that in those instances it is bad for the tree (which is why it may be done on shmitta), but any other way of cutting would be good for the tree, even if it is less than 3 tefachim!? **A:** **Abaye** said, leaving 3 tefachim is good for the tree, and leaving nothing is clearly bad. Any amount in between will sometimes allow the tree to grow back and sometimes will not. Therefore, for purposes of shmitta we only allow something that is absolutely certain to damage the tree, and regarding a sale we only allow a cutting that is absolutely certain to allow the tree to grow back.
 - **Q:** Is it true that a palm tree and cedar tree do not grow back when cut down? We find that **R' Chiya bar Lulyani** darshened the pasuk ("Tzaddik katamar yifrach, k'erez...") that compares a tzaddik to a date tree and to a cedar tree. The pasuk needed to compare the tzaddik to both. If it would just compare him to a date tree, we would say that a tzaddik is like a date tree in that it does not regenerate (i.e. a tzaddik won't have techiyas hameisim), so the pasuk also compares him to a cedar, which does. If he was only compared to a cedar, we would say that a tzaddik won't have offspring, like a cedar, so the pasuk compares him to a date tree as well. We see from here that a cedar tree does grow back after it is cut!? **A:** There are many types of "erez" (cedar) trees (in fact, **Rabbah bar R' Huna in the name of Rav** said that there are 10 types). Some do regenerate and others do not.