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Bava Basra Daf 12

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rights in a Mavoi

Rabbah bar bar Chana said in the name of Rabbi Yochanan: If the people of a town desire to close a *mavoi* which lead to another town (*thus preventing the people from the other town to use the mavoi as a shortcut*), the residents of the other town can prevent them (*for they already had this established right*). Not only is this the *halachah* if there is no other way between the two towns, but even if there is another way, they can prevent them, on the ground of the ruling laid down by Rav Yehudah in the name of Rav, that a boundary strip to which the public have established a right of way must not be damaged by the owner.

Rav Anan said in the name of Shmuel: If the residents of a *mavoi* which open out on to the public thoroughfare desire to set up doors at the entrance (*and this prevent the travelers from entering*), the public can prevent them (*since the public has established a right to use the mavoi, for when traffic is heavy in the thoroughfare, they make use of the mavoi*).

It was thought that this right extended only to a distance of four *amos* from the public thoroughfare. This would be in accordance with that which Rabbi Zeira said in the name of Rav Nachman, that the four *amos* next to the public domain are on the same footing as the public domain itself. This, however, is not the case. For Rav Nachman’s rule applies only to the matter of doubtful *tumah* (*where the rule is that if the doubt arose in a public domain, the person is declared tahor*), but here,

sometimes people from the thoroughfare are pushed in by the crowd a good distance into the *mavoi*. (12a)

Forcing a Division

The *Mishna* had stated: A grain field is not divided unless there are nine *kavs* for this one and nine *kavs* for this one. Rabbi Yehudah says: Unless there are nine half-*kavs* for this one and nine half-*kavs* for this one.

The *Gemora* notes: There is no difference between the two opinions, for each was speaking about his own place (*where the quality of the soil differed than the other place*).

The *Gemora* asks: What is the rule in Bavel (*where the quality of the land was inferior to that of Eretz Yisroel*)?

Rav Yosef said: It is divided if there is an area of a day’s plowing for each one of them.

The *Gemora* asks: What is meant by a day’s plowing? [*There were two plowing times: Once during the harvest season and a second time immediately prior to planting. It took considerably less time to plow the second time, for the ground was already softened due to the first plowing.*] If he meant a day’s plowing during the planting season, that would not take two complete days to plow in the plowing season (*and he would then lose money, for the oxen were only rented on a daily basis*), and if a day’s plowing meant during the plowing season, that is not a full day’s plowing in the planting season!?



The *Gemora* answers: Either you can answer that a day's plowing during the plowing season is meant, and it takes a full day during the planting season where one plows twice (*before and after the planting*), or alternatively, you can say that a day's plowing during the planting season is meant and it takes two complete days during the plowing season where the field is hilly.

If a water hole is divided, Rav Nachman said that it is divided if there is area for each side enough to provide a day's work in irrigating the field. If a vineyard is being divided, the father of Shmuel said that an area of three *kavs* must be left to each.

The *Gemora* cites a *braisa* to the same effect: If a man says to another, "I will sell you a portion in this vineyard," Sumchos said that he must not sell him an area less than three *kavs*.

Rabbi Yosi said that this (*the father of Shmuel's ruling*) is sheer prophecy (*without any logic*).

The *Gemora* asks: What is the rule in Bavel?

Rava bar Kisna said: It is divided if each partner receives three rows, each row consisting of twelve vines. This would be enough for a man to hoe for one complete day. (12a)

Prophecy

Rav Avdimi from Chaifah said: Since the day when the First Holy Temple was destroyed, prophecy has been taken from the prophets and given to the sages.

The *Gemora* asks: Was a sage not also a prophet?

The *Gemora* explains: What he meant was that although prophecy has been taken from the prophets (*who were not sages*), it has not been taken from the sages.

Ameimar said: A sage is even superior to a prophet, as it is written: *And a prophet has a heart of wisdom*. Who is compared with whom? Is not the smaller compared with the greater?

Abaye said: The proof (*that prophecy has not been taken from the sages*) is that a great sage makes a statement, and the same statement is then reported in the name of another great sage (*without any communication between the two of them*).

Rava challenged this: Why is this a proof? Perhaps both have the same mental capacity!?

Rather, Rava said, the proof is from the following: A great sage makes a statement and then the same is reported in the name of Rabbi Akiva ben Yosef (*and no sage can compare intellectually with him*)!

Rav Ashi challenged this: Why is this a proof? Perhaps in this matter they both have the same mental capacity!?

Rather, Rav Ashi said, the proof is that a great sage makes a statement and then it is found that the same rule was a *halachah* communicated to Moshe at Mount Sinai. [*It must have been through prophecy, for such laws cannot be derived from the Torah.*]

The *Gemora* asks: But perhaps the sage was no better than a blind man groping his way through a skylight (*which he accomplishes through luck*)?

The *Gemora* replies: And does he not give a reason for his statement (*and therefore it cannot be through sheer luck*)!?

Rabbi Yochanan said: Since the Holy Temple was destroyed, prophecy has been taken from prophets and given to fools and children.

When was it given to fools? It happened with Mar the son of Rav Ashi. He was one day standing in the marketplace of Mechuza when he heard a certain deranged person exclaim: "The man who is to be appointed head of the Academy in the city of Mechasya signs his name Tavyumi." He said to himself, "Who among the Rabbis signs his name Tavyumi? I do! This indicates that my fortunate time has come." So he quickly went to the city of Mechasya. When he arrived, he found that the Rabbis had voted to appoint Rav Acha of Difti as their head. When they heard of his arrival, they sent a couple of Rabbis to him to ask his advice (*and his permission to appoint Rav Acha*). He detained them with him, and they sent another couple of Rabbis. He detained these also, and it continued until there were ten. When ten were assembled (*for that is when one should begin lecturing*), he began to discourse and expound to them. [*He was then appointed as the head of the Academy.*]

Rav Acha applied to himself the saying: If a man is dealt with harshly, he does not readily come into favor, and if a man is in favor, he does not readily fall into misfortune.

When was prophecy given to children? It happened with the daughter of Rav Chisda. She was sitting on her father's lap, and in front of him were sitting Rava and Rami bar Chama. He said to her, "Which of them would you like for a husband?" She replied, "Both." Whereupon Rava said, "And let me be the last." [*This actually happened, for she was married first to Rami bar Chama, and after he dies, Rava married her.*]

Rav Avdimi from Chaifah said: Before a man eats and drinks he has two hearts (*he is indecisive*), but after he eats and drinks, he only has one heart.

Rav Huna the son of Rabbi Yehoshua said: If a man is accustomed to drink wine, even though his heart is closed like a virgin, the wine will open him up. (12a – 12b)

Traits of Sodom

Rav Huna the son of Rabbi Yehoshua said: That the portion of a field assigned to him as a firstborn and the portion assigned to him as an ordinary son should be portions that share a border goes without saying. What is the rule in the case of a *yavam* (*the one who marries his brother's wife, when his brother died childless; the halachah is that the yavam inherits his brother's portion besides his own*)?

Abaye replied: It is just the same. [*He is entitled to the right that both portions should share one border.*] Why so? It is because the Torah calls him "firstborn." Rava, however, said: He receives a double portion like a firstborn, but the distribution of the portions are not made to him as a firstborn.

A certain man bought a field adjacent to the property of his father. When they came to divide the father's estate, he said, "Give me my share next to my own field." Rabbah said: This is a case where a man (*the other brother*) can be compelled not to act in the traits of the people of Sodom (*since the brother will not be losing at all*).

Rav Yosef strongly objected to this, on the ground that the brothers can say to him, "We consider this field to be especially valuable like the property of the rich Bar Meryon." The *Gemora* notes: The law follows Rav Yosef.

If there are two fields with two canals running by them (*which irrigate the fields*), Rabbah said that this is a case where we can apply the rule that a man can be compelled not to act in the traits of the people of Sodom (*and we give the brother the land that borders his other property*).

Rav Yosef strongly objected to this, on the ground that the brothers can say to him, “Sometimes one canal may continue running while the other dries up.” The *Gemora* notes: The law follows Rav Yosef.

If there are two fields by only one canal, Rav Yosef said that in such a case we do compel a man not to act in the traits of the people of Sodom (*and we give the brother the land that borders his other property*).

Abaye strongly objected to this, on the ground that the other brother can say, “I want you to have more sharecroppers” (*for this way my field will be more protected*). The *Gemora* notes: The law follows Rav Yosef, for the increase in the number of sharecroppers is not a matter of consequence.

If there is a canal on one side and a river on the other, the field is to be divided diagonally (*so that they each have equal amount of land next to the river and equal amount of land next to the canal*). (12b – 13a)

DAILY MASHAL

Continued Misfortune

Rabbi Yochanan said: Since the Holy Temple was destroyed, prophecy has been taken from prophets and given to fools and children.

When was it given to fools? It happened with Mar the son of Rav Ashi. He was one day standing in the marketplace of Mechuza when he heard a certain deranged person exclaim: “The man who is to be appointed head of the Academy in the city of Mechasya signs his name Tavyumi.” He said to himself, “Who among the Rabbis signs his name Tavyumi? I do! This indicates that my fortunate time has come.” So he quickly went to the city of Mechasya. When he arrived, he found that the Rabbis had voted to appoint Rav Acha of Difti as their head.

When they heard of his arrival, they sent a couple of Rabbis to him to ask his advice (*and his permission to appoint Rav Acha*). He detained them with him, and they sent another couple of Rabbis. He detained these also, and it continued until there were ten. When ten were assembled (*for that is when one should begin lecturing*), he began to discourse and expound to them. [*He was then appointed as the head of the Academy.*]

Rav Acha applied to himself the saying: If a man is dealt with harshly, he does not readily come into favor, and if a man is in favor, he does not readily fall into misfortune.

The Maharsha writes that this is only if it troubles him greatly. If he thinks that being rejected from a position of prominence was a grave misfortune, then good things will not happen soon to him. This is in accordance with what the Sages say: One who pursues honor – the honor will run away from him.

The Meiri writes that although there can be times that due to a person’s fortune, the door of success keeps closing on him and it is not readily opened, nevertheless, it is not completely shut. The gates of *tefillah* and good deeds are not sealed; they will always be there for a person’s protection.