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Bava Basra Daf 17

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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

### **Special Tzadikim**

The *braisa* states: Three people were given a taste of the World to Come in this world. They are: Avraham, Yitzchak, and Yaakov. Regarding Avraham, the verse states: *(And Hashem blessed Avraham) with everything. [This implies even a taste of the next world.]* Regarding Yitzchak, the verse states: *From everything.* Regarding Yaakov, the verse states: *everything.*

Three people were not ruled by the Evil Inclination at all. They are: Avraham, Yitzchak, and Yaakov. This is evident as the verse states regarding them: *With everything, From everything, and everything.* Some say this even applies to David, regarding whom the verse states: *And my heart is empty inside (referring to his lack of evil inclination).* The other opinion (*that does not include David*) understands that in this verse he was expressing his pain (*not lack of Evil Inclination*).

The *braisa* states: There were six people over whom the Angel of Death had no power. They were: Avraham, Yitzchak, Yaakov, Moshe, Aharon and Miriam. Regarding Avraham, Yitzchak and Yaakov, this is evident from the verses: *With everything, From everything, and everything.* Regarding Moshe, Aharon and Miriam, this is evident from the verses (*stated by each of their deaths*): *by the mouth of Hashem.*

The *Gemora* asks: The verse does not say “*by the mouth of Hashem*” regarding Miriam!?

Rabbi Eliezer answers: Miriam also died by the kiss of Hashem, as this is derived using a *gezeirah shavah (one of the thirteen principles of Biblical hermeneutics; it links two similar words from dissimilar verses in the Torah)* of the word “*sham*” stated both by her death and that of Moshe. Why didn’t the verse state outright: *by the mouth of Hashem*? It is inappropriate for the verse to mention this (*regarding a woman*).

The *braisa* states: There were seven people over whom worms and maggots were not able to affect after they died. They were: Avraham, Yitzchak, Yaakov, Moshe, Aharon, Miriam and Binyamin, the son of Yaakov. Regarding Avraham, Yitzchak, and Yaakov this is evident from the verses: *With everything, From everything, and everything.* Regarding Moshe, Aharon, and Miriam this is evident from the verses: *by the mouth of Hashem.* Regarding Binyamin, this is evident from the verse: *And to Binyamin he said, the friend of Hashem (Binyamin) will dwell forever by Him.* Some say: This is also of David Hamelech, as the verse states: *Even my flesh will dwell safely.* The opinion who does not include David holds that this is because he was merely praying that this is how it should be.

The *braisa* states: Four people died due to the original sin advised by the snake (*they themselves never*

sinned). They are: Binyamin, the son of Yaakov, Amram, father of Moshe, Yishai, the father of David, and Kilav, the son of David. This list is known through a tradition, aside from Yishai, regarding whom the verse states: *And Avshalom replaced Yoav, who was in charge of the army, with Amassa. And Amassa was the son of a man whose name was Yisra the Israelite, who came to Avigail the daughter of Nachash (snake) sister of Tzeruyah who was the mother of Yoav.* Was she really the daughter of a snake? Wasn't she the daughter of Yishai? This is as the verse says: *And their sisters were Tzeruyah and Avigail.* Rather, it means she was the daughter of someone who died due to the sin caused by the snake. (16b – 17a)

WE SHALL RETURN TO YOU, HASHUTAFIN

### **Mishna**

A person should not dig a circular pit next to that of his friend. He also should not dig a ditch or a vault there. He also should not make a place for an irrigation stream or a place to launder clothes (*which are also kinds of pits meant to hold water*) there, unless he distanced his pit three *tefachim* from his neighbor's wall and put plaster on the inside of his pit. One must distance his olive press waste, manure, salt, plaster, and flint stones (*all things which generate heat*) from a wall belonging to his friend a distance of three *tefachim*, or he should put plaster inside. (*This seems to mean if they are in a pit containing these things near his friend's wall. However, see the Tosfos Yom Tov on the Mishna regarding the text and explanation of this statement*). One must distance seeds, his plow, and urine three *tefachim* from the wall of his friend. One must distance the bottom grindstone three *tefachim* from the wall of his friend, which means he must make sure the top grindstone (*usually a tefach less wide than the bottom*

*one*) must be four *tefachim* away from the wall. He must distance the foundation of his earthenware oven three *tefachim* from his friend's wall, which is four *tefachim* from the top of the foundation. [*The foundation was slanted from the bottom up.*] (17a)

### **Pits in One Property Damaging Another**

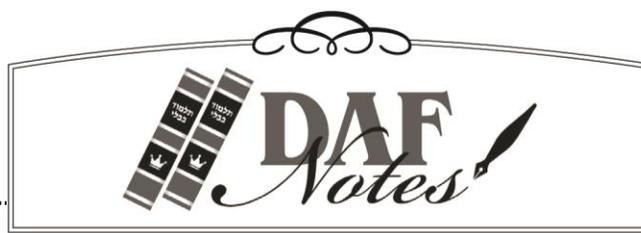
The *Gemora* asks: The *Mishna* starts by saying to distance one's pit from the pit of his friend, but then states that he should distance from the wall of his friend. [*Why does it switch from pit to wall?*]

Abaye, and some say Rav Yehudah, answers: The wall referred to is the wall of the pit.

The *Gemora* asks: Why doesn't the *Mishna* merely say: Unless he distanced it from his friend's pit three *tefachim*?

The *Gemora* answers: The *Mishna* is teaching us that the wall of a pit is three *tefachim* wide. This makes a difference regarding buying and selling. This is as the *braisa* states: If someone says, "I am selling you the pit and its walls," the walls must be three *tefachim* thick.

It was taught: If someone wants to make a pit on the border of his friend's field (*when his friend does not have a pit there*), Abaye says he can, while Rava says he cannot. Everyone will agree that if it is the practice to dig pits in these fields, he may not do so. The argument is regarding a case when it is not the practice to dig pits in these fields. Abaye says he can, as it is not the practice to dig pits anyway. Rava says he cannot, as his friend can say that just as you made a pit on the border, I would also like to do so.



Some say: When it is not the practice to dig pits in these fields, everyone agrees he may do so. The argument is when it is the practice to dig pits in these fields. Abaye says he can, as even according to the *Chachamim*, who say that one must distance a tree from a pit twenty five cubits, that is only if when he is planting, the pit already exists. However here, he is digging the pit before anything else exists. Rava argues that he cannot do so. Even according to Rabbi Yosi, who says that one can dig in his domain and the other can plant in his domain, this is only because when he plants his tree, its roots that will eventually harm the pit are not present. [*He is not putting down the item that will damage his friend's pit. It eventually comes naturally out of the seed.*] However here, his neighbor can claim that every shovel of digging weakens his land.

The *Mishna* states: A person should not dig a circular pit next to that of his friend.

The *Gemora* asks: This implies that the reason is because his friend's pit already exists. If it were not there, he could! The second version of the argument that everyone agrees he could do so if it was not the practice to dig pits in these fields, is understandable. This is indeed the case of our *Mishna*. However, according to the first version that they argue in this case, Abaye's opinion is understandable (*as he says it is permitted when no other pit is there*). How does Rava understand the *Mishna*?

Rava will answer: It was taught regarding this that Abaye, and some say Rav Yehudah, says that the *Mishna* states: From the wall of his pit. [*In other words, Rava was discussing going right up to the border, while the Mishna was discussing a distance of three tefachim from the wall of his neighbor's pit.*]

Some say: It was taught regarding this that Abaye, and some say Rav Yehudah, says that the *Mishna* states: From the wall of his pit.

The *Gemora* asks: The first version of the argument that everyone agrees he cannot do so if it was the practice to dig pits in these fields, is understandable. This is indeed the case of our *Mishna*. However, according to the second version that they argue in this case, Rava's opinion is understandable. How does Abaye understand the *Mishna*? [*Rashi explains that being that Abaye holds that the first person had to make a three tefach wall for his pit, this shows that he also couldn't dig his pit right next to the border, even though there was no pit on the other side. How, then, can he say one can dig next to his friend's field if there is no pit there?*]

Abaye will answer: The case of the *Mishna* is when they came to dig their pits at the same time (*not when one pit preceded the other*).

The *Gemora* attempts to bring a proof from a *braisa*. The *braisa* states: If they both have fields that have ground so soft that it comes away in their hands, they can each dig their pits on each side and distance three tefachim and plaster their pits. This implies that even the first one must distance himself three tefachim!

The *Gemora* answers: This type of soil is different.

The *Gemora* asks: Why, then, did it give a case of this type of soil? [*This is a case when they are digging at the same time! Abaye would agree that they have to each distance three tefachim in such a case even in regular soil. Why specifically state this type of soil? Many Rishonim do not have the text of this question in the Gemora, and some understand the question is understood differently.*]



The *Gemora* answers: It had to say this case, as one might think they should have to distance themselves even further with this type of soil. This is why it said that even with this type of soil only three *tefachim* is necessary. [*Rashi says that the Gemora now holds that even other soil could require distancing of three tefachim. It was just pointing out that even this soil only requires distancing of three tefachim.*] (17b)

### DAILY MASHAL

#### ***Evil Inclination has no Power***

Three people were not ruled by the Evil Inclination at all. They are: Avraham, Yitzchak, and Yaakov. This is evident as the verse states regarding them: *With everything, From everything, and everything*. Some say this even applies to David, regarding whom the verse states: *And my heart is empty inside (referring to his lack of evil inclination)*. The other opinion (*that does not include David*) understands that in this verse he was expressing his pain (*not lack of Evil Inclination*).

Tosfos explains that this does not mean that their Evil Inclination was always powerless over them, for if so, they would not be entitled to receive any reward for their good deeds. Rather, it means similar to that which is stated in the *Gemora Yoma* (38b): When the majority of a man's years have passed without sin, he will no more sin. So too here, since the Holy One, Blessed be he, sees that a person has fought fiercely against his Evil inclination and has distanced himself from sinning, He assists him in his older years by protecting him from its tricks.

The Brisker Maggid writes in *Machazeh Einayim* that there can be people who are immune from the wiles of

the Evil Inclination even without Hashem's assistance. This, says the Eitz Yosef, can be accomplished only after years of dominating over the *Yetzer Hara*.