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Bava Basra Daf 18

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Hazards

[The Gemora (17b) cited a dispute between Abaye and Rava: 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 Gemora asks on Rava from our Mishna: 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. We can infer from here that this is only if there already was a wall standing. However, if there was no wall standing, he would not be required to distance these harmful materials from his boundary! [*This contradicts Rava’s viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The Gemora answers that in truth he is required to distance these harmful materials from his boundary even if his neighbor does not presently have a wall; the Mishna is teaching us that these materials are harmful to a wall.

The Gemora asks on Rava from the next ruling of our Mishna: One must distance seeds, his plow, and urine three *tefachim* from the wall of his friend. We can infer from here that this is only if there already was a wall standing. However, if there was no wall standing, he would not be required to distance these harmful materials from his boundary! [*This contradicts Rava’s viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The Gemora answers that in truth he is required to distance these harmful materials from his boundary even if his neighbor does not presently have a wall; the Mishna is teaching us that the moisture from these materials are harmful to a wall.



The *Gemora* asks on Rava from the next ruling of our *Mishna*: 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. We can infer from here that this is only if there already was a wall standing. However, if there was no wall standing, he would not be required to distance these harmful materials from his boundary! [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that in truth he is required to distance these harmful materials from his boundary even if his neighbor does not presently have a wall; the *Mishna* is teaching us that the vibrations from the millstones are harmful to a wall.

The *Gemora* asks on Rava from the next ruling of our *Mishna*: One 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. We can infer from here that this is only if there already was a wall standing. However, if there was no wall standing, he would not be required to distance these harmful materials from his boundary! [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that in truth he is required to distance these harmful materials from his boundary even if his neighbor does not presently have a wall; the *Mishna* is teaching us that the heat emanating from the oven is harmful to a wall.

The *Gemora* asks on Rava from the ruling in the next *Mishna*: One may not open a bakery or a dye shop underneath the storage shed (*a warehouse used for storing grain or wine*) of another (*for the smoke will ruin*

the produce), nor may he open a cattle stall there (*for the odor will ruin the produce*). We can infer from here that this is only if there already was a storage shed there. However, if there was no storage shed, he would be allowed to open these businesses! [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that Rava would agree by a person's own residence (*that he would be allowed to open these businesses there, provided that his neighbor's storage shed is not there yet*).

Proof to this is cited from a *braisa* which states: If the cattle stall was there before the storage shed, it is permitted.

The *Gemora* asks on Rava from a ruling in another *Mishna*: One should not plant a tree near his friend's field unless he distances it four *amos* away from the field. A *braisa* was taught that this is in order to provide enough room for him to cultivate his vineyard (*with a plow or a wagon to collect the fruit*) around the tree. The only reason the four *amos* is required is on account of the cultivation of his vineyard. Otherwise, he would not be required to distance the tree from his neighbor's field! And this is true even though the roots from his tree will eventually damage his neighbor's property (*his plow or pit*). [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that we are dealing here with a case where there are rocks between the fields (*preventing the roots from spreading from one field to the other*).

The *Gemora* proves this from the *Mishna* which rules that if there was a fence in between the fields, they each may plant a tree close to the fence on their side (*and it*



obviously must be referring to a case where there is rock underneath separating the two fields, for otherwise, the roots of the tree would damage the other field).

The *Gemora* asks: But if so, let us consider the next ruling of the *Mishna*: If the roots of his tree spread into his neighbor's field, he (*the neighbor*) may cut them to a depth of three *tefachim*, so that they should not impede his plow. Now if there are rocks between the fields, how can the roots get there?

The *Gemora* answers: The *Mishna* means as follows: If there is no rock between them and the roots spread into his neighbor's field, he may cut them then to a depth of three *tefachim*, so as not to impede the plow.

The *Gemora* asks on Rava from a ruling in another *Mishna*: One must distance a tree twenty-five *amos* from a pit in another man's field. We can infer from here that this is only if there already was a pit there. However, if there was no pit there, he would not be required to distance his tree from his boundary! [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that in truth he is required to distance the tree from his boundary even if his neighbor does not presently have a pit; the *Mishna* is teaching us that the roots from his tree can damage a pit if it is within twenty-five *amos* from the tree.

The *Gemora* asks: But if so, let us consider the next ruling of the *Mishna*: If the tree was there already, he is not required to cut it down? Now if he may not plant close to his boundary (*even before a pit is dug*), how can this case be possible (*seeing that it is illegal to plant a tree next to the boundary, and if it was done in such a manner, he should be required to cut it down*)?

The *Gemora* answers: Just as Rav Pappa said in reference to something else that it is referring to a case of a purchase, so here too, it is referring to a case of a purchase (*a man planted a tree in his field and then sold a section of the field not containing the tree, and the purchaser dug a pit within twenty-five amos of the tree, the original owner is not required to cut it down*).

The *Gemora* asks on Rava from a ruling in another *Mishna*: One must distance a flax pool from his neighbor's vegetables, and leeks from onions, and mustard plants from a beehive (*for the bees taste the mustard and then eat their honey to remove the sharpness left in their mouths*). The only reason the distancing is required is because there are vegetables there; otherwise, he may place the flax pool close to his boundary! [*This contradicts Rava's viewpoint that one may not place such things next to the boundary even before his neighbor builds his wall or pit!?*]

The *Gemora* answers that in truth he is required to distance the flax pool from his boundary even if his neighbor does not presently have vegetables; the *Mishna* is teaching us that these things (*the flax pool, leeks and mustard plants*) can damage the other things (*vegetables, onions and the honey*).

The *Gemora* asks: But if so, let us consider the next ruling of the *Mishna*: Rabbi Yosi maintains that it permissible in the case of the mustard because the owner of the mustard can say to his neighbor, "Before you tell me to remove my mustard from your bees, I can tell you, 'Remove your bees from my mustard, because they come and eat the flowers from my mustard plants!'" Now if he may not place a hazard close to his boundary (*even before his neighbor's vulnerable object is there*), how can this case be possible (*for according to Rabbi Yosi, both the mustard plant and the bees are regarded as hazards*)?



Rav Pappa answered: The *Mishna* is referring to a case of a purchase (*a man placed the hazard (flax pool, leeks or mustard plants) in his field and then sold a different section of the field, and the purchaser placed the vulnerable items (vegetables, onions and the honey) near his boundary*).

The *Gemora* asks: If so, what is the reason of the Rabbis (*if the hazards were placed there legally, why is he obligated to remove them*)? And furthermore, Rabbi Yosi should rule that it is permitted even by a flax pool and vegetables!?

Ravina answers: The Rabbis hold that it is the owner of the hazard who has the obligation to distance the hazard from that which can be damaged.

The *Gemora* asks: It would seem that Rabbi Yosi then maintains that the obligation rests upon the suffering party to distance his property from the hazard. If so, he should rule that it is permitted even by a flax pool and vegetables!?

Rather, the truth is that Rabbi Yosi also holds that it is incumbent upon the owner of the hazard to prevent the damage, and he told the Rabbis as follows: Your opinion is understandable in the case of the flax pool and the vegetables, because the flax pool harms the vegetables, but not vice versa (*and that is why the owner of the flax pool is responsible to remove his hazard*), but the case is different with the mustard and bees, for both are harmful to each other (*since the bees ate the mustard plants, and then consume the honey – this is why Rabbi Yosi holds that the owner does not need to remove his mustard plants*).

The *Gemora* asks: And what will the Rabbis say to this?

The *Gemora* answers: They maintain that the bees do not harm the mustard plant, for the seeds they cannot find

(*since they are covered*), and even if they eat the leaves, they will grow back again.

The *Gemora* asks: Does Rabbi Yosi really hold that it is the owner of the hazard who has the obligation to distance the hazard from that which can be damaged? But we learned in a *Mishna*: Rabbi Yosi says: Even if the pit was there before the tree, the tree does not need to be cut down, because just as one owner may dig a pit in his property, the other may plant a tree in his. [*Evidently, Rabbi Yosi is of the opinion that it is the obligation of the suffering party to distance his property from the hazard!?*]

Rather, the truth is that Rabbi Yosi holds that it is incumbent upon the one who suffers the damage to remove his property, and he was responding to the Rabbis according to their own viewpoint as follows: According to my view, the one who suffers the damage has to remove his property, and therefore, in this case, it is not necessary to remove the flax pool from the vegetables. But according to your view that the one who inflicts the damage must remove the hazard, it is understandable in the case of the flax pool and the vegetables, because the flax pool damages the vegetables, but not vice-versa. However, this does not apply to the bees and the mustard plant, where both harm each other (*so the Rabbis should agree that nobody should be required to distance his hazard from the other*)!

The Rabbis, however, maintain that the bees do not harm the mustard plant, for the seeds they cannot find (*since they are covered*), and even if they eat the leaves, they will grow back again. (17b – 19a)

INSIGHTS TO THE DAF

THE BEES AND THE MUSTARD

QUESTION: The *Gemora* explains that the *Chachamim* maintain that a person who raises bees to produce honey

is entitled to prevent his neighbor from planting a mustard plant near the boundary of his own property. A mustard plant is considered a damaging object because when the bees eat the mustard plant its sharp taste causes them to eat their own honey, and thus the owner will lose his honey. The *Gemora* asks, according to the *Chachamim*, why is the owner of the bees not similarly required to distance his bees from the boundary since, after all, they will harm the neighbor's mustard plant when they eat it? The *Gemora* answers that bees do not cause damage to a mustard plant. It is very difficult for them to find the kernels, so it is not likely that they will damage the mustard plant by eating the kernels. Although they will eat the leaves, that is not considered damage because the leaves will grow back.

How does the *Gemora* answer its question? Even if the leaves grow back, the bees still will cause damage to the mustard plant, because when the leaves grow back the bees will eat them again. The bees should be considered a damaging agent because they can be expected to eat the leaves of the mustard plant every time the leaves grow back, and thus the mustard plant will never be able to grow properly. (**RA'AVAD**, cited by **RAMBAN** and **RASHBA**)

ANSWERS:

(a) The **RA'AVAD** answers that once the bees have eaten the mustard leaves once and have tasted their sharpness, they will not eat them again. Since the leaves will grow back and the bees will not eat them again, the owner of the bees is not required to prevent his bees from eating the mustard leaves. The owner of the mustard plant, on the other hand, must remove his plant from the boundary, because even if the bees eat the leaves only once they will have a desire to eat their own honey, and their owner will lose some honey as a result.

The **RASHBA** challenges this answer. The *Gemora* (end of 18a, in its explanation of the view of Rabbi Yosi) implies

that the bees constantly come to eat the mustard plant ("Ba'os v'Ochlos"); they do not eat from it just once and not more.

Moreover, the *Gemora* implies that even after the mustard plant has been planted, the *Chachamim* require the owner to uproot his plant and plant it farther away from the boundary. According to the Ra'avad's explanation, why does the owner have to relocate his plant? The Ra'avad maintains that once the bees have eaten from it the first time, they will not eat from it again. Since they will not eat from it again, the plant no longer poses a threat to the owner of the bees. According to the Ra'avad, the owner of the plant should be allowed to leave his plant adjacent to the boundary.

The Rashba asks further that according to the Ra'avad, the *Chachamim's* rejoinder to Rabbi Yosi is difficult to understand. The *Chachamim* explain that the bees are not considered a hazard to the mustard plant because the leaves that they eat will grow back, whereas the mustard plant is considered a hazard to the honey. If the bees eat the leaves of the mustard plant only once, however, then the mustard plant itself can cause damage only once, for its harmful influence occurs only when the bees eat its leaves. Before the bees eat the mustard leaves, *both* the bees and the plant should be considered potential hazards to each other. After the bees have eaten the leaves once, *neither* of them should be considered a potential hazard, because the bees will no longer eat the leaves. Why, then, is there a distinction between the bees and the leaves?

(b) The **RASHBA** answers the Ra'avad's question in a different way. The leaves of a mustard plant are picked as soon as they grow. Thus, the leaves will be picked before the bees can eat them. Although the bees might eat a little bit before the owner has a chance to pick the leaves, the small amount that they consume is not considered a loss at all.



(c) The Rashba gives another explanation. The primary function of the leaves is to protect the kernels of mustard. Since the leaves grow back whenever the bees eat them, the main part of the mustard plant -- the kernels -- will not sustain any damage, because it will always be protected by leaves. Hence, even if the bees continuously eat the leaves as they grow back, they will not cause any damage because the kernels will always be protected, and the leaves themselves have no intrinsic value. (I. Alsheich)

INSIGHTS INTO THE DAILY DAF

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DAILY MASHAL

Which Honey?

By: Rabbi Yisroel Reisman

One of the most widespread customs associated with the night of Rosh Hashanah is that of consuming various food items – e.g. carrots, leeks, beets, dates, pomegranates, head of a fish – for a good omen. Intending to serve as a source of merit for our upcoming year, we hope that we will be blessed with a new year filled with prosperity, success and productivity.

Of the many foods eaten, arguably so, the apple and honey serve as one of the main highlights. Taking an apple and dipping it into honey, we wish that the year we are about to embark upon be full of sweetness.

Yet, this is not the only instance in which honey plays a significant role in Judaism. In praise of the Land of Israel, the Torah tells us that it is a “Land flowing with milk and honey” (Shemot 13:5). Nevertheless, there is a clear distinction between the nature of honey mentioned in this verse and that which we use on the night of Rosh Hashanah. As explained by Chazal (Ketubot 111b), the honey referred to in this Pasuk is that of date’s honey.

And as common custom has it, the honey used to dip our apple in on the night of Rosh Hashanah is that of a bee. Yet why is that so? Why in fact do we not use date’s honey and instead resort to bee’s honey?

As any keen observer would quite quickly notice, the manner in which honey is obtained from a date and a bee are strikingly different. When a date is crushed, its honey easily and smoothly flows straight out. Little more is necessary to attain the desired honey from within the date. It is in this respect that Eretz Yisrael is praised as a land flowing with honey. When the Jewish people abide by the Torah, the Land produces an overabundance of blessings, including sweet honey, which is easily obtainable and accessible by all.

But such is not the case with bee’s honey. Aside from the arduous process which the bee undergoes in producing the honey, the concerted effort needed to procure the honey subsequently is not so simple and easy a task. Needing to contend with the bees and circumvent their stinging efforts used to protect themselves and their honey, only after much labor can one anticipate returning with anything.

Yet that is the very point. Our definition of a sweet new year is a year of effort and accomplishment, of labor and fulfillment. We are not simply looking to enjoy an easy year where we do not work and feel any sense of achievement. Quite to the contrary, we recognize that by exerting ourselves to confront challenging situations and overcome them, we will attain the sweetest life possible. Such is the message of the bee’s honey. A sweet year is a year of fulfillment, of attainment and of satisfaction. Yet we understand that such sweet feelings are only a byproduct of hard work and much effort. And that is best represented by the bee’s honey. If we wish to enjoy such sweetness, there is no better place to look for it than the beehive.