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Bava Basra Daf 22

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

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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

Competition

Rav Huna said that if one resident of a courtyard offered a service (e.g., millstone), he may prevent another resident from competing with the same service.

Rav Yosef says that Rav Huna does allow competition between those who teach small children Torah, since competition between them will increase their quality, benefiting the students.

Rav Huna bar Yitzchak said that residents of a courtyard can prevent non residents from competing with local establishments.

Rav Nachman bar Yitzchak says that although Rav Huna bar Yitzchak says that residents of a courtyard can prevent non residents from competing with local establishments, he agrees that they may not prevent traveling perfume merchants from selling in their courtyard. Since Ezra instituted that such merchants have license to sell in any town, in order to enable Jewish women to be fragrant, they have license to sell, as long as they sell from door to door, but not establish a storefront. If they are Torah scholars, they may set up a storefront, to avoid losing time of Torah learning.

In a similar vein, Rava allowed Rabbi Yoshiah and Rabbi Ovadiah to open a storefront in a different city, which

is usually prohibited, since they were Torah scholars, and he did not want them to waste time from learning Torah.

The *Gemora* relates an incident: Basket merchants came to Bavel on the market day, and the local residents wanted to prevent them from selling. When they came to Ravina, he said that although they come from outside the city, since it’s a market day, they are selling to buyers who are from also outside the city. Since the market place includes people outside the city, the sellers may also be from outside the city. This is only true on the market day, and only in the marketplace.

Wool merchants brought wool to sell in Pum Nahara, and the local residents wanted to prevent them. When they came to Rav Kahana, he said that the residents were right. The merchants explained that they needed to remain in town until they collected the money for the wool they sold on credit. Rav Kahana allowed them to sell just enough to support themselves until they collected their money.

Rav Dimi from Nehardea brought dried figs by boat to sell. The Reish Galusa told Rava to check if Rav Dimi was a Torah scholar, in which case he would have exclusive rights to sell his figs in the marketplace. Rava told his student Rav Ada bar Ahava to determine whether Rav Dimi was a competent Torah scholar. Rav Ada went and

asked Rav Dimi a question - whether a basket swallowed, digested, and excreted by an elephant is considered a utensil that can become impure. Rav Dimi did not know, and asked whether Rav Ada was the famous Rava that he heard lived in this town. Rav Ada mockingly slapped his sandal, and said that he is Rav Dimi's superior in learning, so his teacher Rava is surely Rav Dimi's superior. Without the exclusive market access, Rav Dimi's figs got spoiled. Rav Dimi went and complained to Rav Yosef about how he was treated, and Rav Yosef told him that just as Hashem exacted punishment from the king of Moav for his disgracing the king of Edom, Hashem should exact punishment for Rav Dimi's disgrace. Rav Ada then died.

The *Gemora* lists all the *Amora'im* who felt they were responsible for Rav Ada's death:

1. Rav Yosef: since he asked Hashem to exact punishment for Rav Dimi's disgrace at the hands of Rav Ada.
2. Rav Dimi: since it was his spoiled figs that led to Rav Yosef cursing him.
3. Abaye: since Rav Ada would tell people to leave Abaye's lesson - which was like lean bones - to come to Rava's lesson - which was like fatty meat. Abaye was upset at this, and this led to Rav Ada's death.
4. Rava: since Rav Ada would insist on being served at the butcher shop before Rava's attendant, since he was superior to him in Torah learning. Rava was upset at this insult to his attendant.
5. Rav Nachman bar Yitzchak: Before Rav Nachman bar Yitzchak would teach his lesson, Rav Ada would review with him, to enable him to teach fluently. On the day Rav Ada died, Rav Papa and Rav Huna the son of Rav Yehoshua had not gone to Rava's lesson, and intercepted Rav Ada to tell them what Rava had said. This delayed him on his way to Rav Nachman bar Yitzchak, and in turn delayed Rav Nachman bar Yitzchak

from going to his lesson. When the students asked Rav Nachman bar Yitzchak to begin the lesson, since it was getting late, he said that he was waiting for the coffin of Rav Ada - since he was upset at Rav Ada for making him late. At that moment, the news arrive that Rav Ada died.

The *Gemora* concludes that it seems that Rav Nachman bar Yitzchak was indeed responsible. (21b - 22a)

Keeping a Distance

The *Mishna* says that if one had a wall next to his neighbor's wall, he may not build a wall within four *amos* of his neighbor's wall. A neighbor's window must be separated by four *amos* - both on top, below, and adjacent. Thus, a wall next to a window must be shorter than four *amos* below the window, or taller than four *amos* above the window, and must be more than four *amos* away from the window.

The *Gemora* understands the *Mishna* to be stating that if one had a wall that was closer than four *amos*, which then fell, the new wall must be four *amos* away. The *Gemora* asks how the first wall was built too close?

Rav Yehudah says the *Mishna* is not referring to any existing wall, and instead is read: One who *wants* to build a wall next to his neighbor's must distance four *amos*.

Rava objects, pointing out that the *Mishna* introduces the case as "one who had a wall next to his neighbor's." Rather, the *Mishna* is stating that if someone had a wall at a distance of four *amos* - as is mandated - from his neighbor's, and it fell, his new wall must still be four *amos* away, since traction on the ground between the

walls strengthens the ground. If the wall is too close, it will be too narrow for people to walk.

Rav says that only the wall of a garden needs traction outside it (*since people do not walk near the inner side of the wall, due to the vegetation on the ground*), but the wall of a courtyard, whose inner wall does get traction, does not need traction on the outside. Therefore, a neighboring wall can be less than four *amos* away. Rabbi Oshaya says that both a garden wall and a courtyard wall need outer traction.

The *Gemora* explains that they are not in dispute. Rav was referring to an old city, where the ground was already well tread, while Rabbi Oshaya was referring to a new city, which is not yet well tread.

The *Gemora* tries to disprove this requirement of traction from the *Mishna*. The *Mishna* stated the distance of four *amos* from windows – above, below, and adjacent. The *braisa* explains the reason for each one: above, to preclude one from standing on the wall and looking into the window, below, to preclude one from standing on the wall and looking into the window, and adjacent, to avoid blocking the light of the window. The *braisa* does not say that a wall may not be adjacent due to the lack of traction, indicating that this is not a concern.

The *Gemora* deflects this by explaining that the *braisa's* case is a wall that is perpendicular to the wall of the window. Since it is not parallel, it allows traction, but still must be four *amos* away, to avoid blocking the window's light.

Rav says that to avoid blocking light, the wall must be a window's length away from the window. The *Gemora* asks that if the wall is so close to the window, at an

angle, even if it's tall, the neighbor can stand on the roof and peer in the window. The *Gemora* says that the case is where he slants the roof toward the window, making it impossible for him to stand or lean on it. The *Gemora* questions how Rav can give his measure, when the *Mishna* says it must be four *amos* away. The *Gemora* explains that the *Mishna* is a case of two walls, which require four *amos* distance, to not block the light, while Rav is referring to one wall, which allows more light in, and therefore only needs a window length distance.

The *Gemora* attempts to disprove the requirement of traction from the next *Mishna*. The *Mishna* says that a wall must be four *amos* from a drainage pipe. The *Mishna* says the reason is to allow the owner of the pipe to prop a ladder on his pipe to fix it, not to allow traction.

The *Gemora* deflects the proof by saying that the *Mishna* is a case of a drain pipe which extends far away from the wall. Therefore, there is ample room under the pipe for people to walk, even if the neighboring wall were flush against the pipe, creating enough traction. However, in order to allow the pipe owner to fix his pipe, the neighboring wall must be four *amos* away from the pipe. (22a – 22b)

Ladder and a Dovecote

The *Mishna* says that one must distance his ladder four *amos* from a neighboring dovecote, in order that a marten not jump via the ladder to the dovecote and eat the doves. One must distance his wall four *amos* from his neighbor's drain pipe, to allow the neighbor room to prop a ladder on his wall to fix the pipe.



The *Gemora* suggests that this *Mishna* is not consistent with Rabbi Yosi. The Sages say that one must distance a tree in his property twenty-five *amos* from his neighbor's pit, since his tree's roots will otherwise grow into the pit. Rabbi Yosi says that he may plant his tree anywhere in his property, and not be concerned with the later effects to his neighbor. Our *Mishna*, which prevents a person from putting a ladder in his property, due to a concern that an animal will use it to damage his neighbor's property – indirect damage – seems to not match Rabbi Yosi's position.

The *Gemora* says that the *Mishna* may be consistent with Rabbi Yosi, since Rav Ashi says that Rabbi Yosi agrees that if one's actions themselves lead to the damage, it is prohibited. Rabbi Yosi only permits the case of the tree, whose roots grow on their own. In the case of the *Mishna*, the marten may step on the ladder and jump into the dovecote as he is placing the ladder, leading to a damage as result of the only the person's actions. Although the damage is indirect, and would not make the one causing it liable to pay, such damages are prohibited.

Rav Yosef had small palm trees, whose branches hung over the adjoining property, which was owned by bloodletters. The bloodletters would draw blood while under the branches, and crows would come and eat the blood, and then go on the dates of the tree, ruining them. Rav Yosef told them to stop drawing blood there, to remove the crows who were ruining his dates. Abaye questioned why they must move, if they only indirectly caused the damage, and Rav Yosef explained that even indirect damage is prohibited, even if one is not liable for it. Abaye suggested that they need not move, since they had a standing practice of drawing blood, which should give them the right to continue. Rav Yosef responded that one cannot acquire a right to damage,

based on a standing practice. Abaye responded that this rule is limited to extremely unpleasant damages, such as an outhouse or smoke, but Rav Yosef explained that since he is very sensitive, this damage was just as unpleasant as those examples. (22b – 23a)

INSIGHTS TO THE DAF

Indirect Damage

When discussing Rabbi Yosi's opinion on damages done by neighbor's actions, the *Gemora* says that *gerama* – indirect damage – is prohibited, even though damages cannot be collected. Tosfos (22b Zos) questions how indirect damage (*gerama*) is different than cases of nonphysical damages (*garmi*), which can be collected. Tosfos suggests two answers:

1. *Garmi* is a direct physical act, but the damage is not physical. For example, burning a contract is a physical act, but the effect is due to the value of the contract, not the loss of the paper itself.
2. There is nothing inherently different, but cases of *garmi* can be collected only as a fine. The Sages instituted this fine only in common cases, to prevent these common instances of damage.

1.

How Far from the Window

When discussing the distance a wall must be from a window, the *Gemora* asked how far away a wall must be, and Rav answered it must be a window's length away. The *Gemora* then challenged this statement from the *Mishna*, that states it must be four *amos* away. Tosfos (22b v'Kama) asks how the *Gemora* – which later cites the *Mishna*, which has an explicit measurement of the distance – could even ask how far

away the wall must be. The *Mishna* seems to be a challenge not just to Rav's statement, but to the question Rav was answering. Tosfos explains that the question was actually asked by Rav, and the *Gemora* was challenging both the question and Rav's answer. See BM 21 and Tosfos 21a v'Kama, for a similar instance.

2.

Sensitive People

The *Gemora* relates the story of Rav Yosef's objection to his neighboring bloodletters. The *Gemora* concludes that since Rav Yosef was indeed so sensitive, they must move, and cannot claim to have a right to continue their practice. The Rosh explains that this *Gemora* proves that the threshold of acceptable neighboring activities is determined relative to the person objecting. The Rishonim discuss exactly what Rav Yosef objected to. The fact that it was bloodletters seems to indicate that it was the blood that bothered Rav Yosef, while Rav Yosef told them to remove the crows, indicating it was the crows that bothered Rav Yosef. Tosfos (23a k'Kutra) offers two explanations. Either it was the combination that made it unbearable, or the crows were the medium that soiled the dates by wiping blood on them. The Rambam (Shechainim 11:8) says that if someone is annoyed by the loud chirping of birds, or by the presence of blood, he may object to his neighbor's activities. The Lechem Mishne explains that the Rambam holds that since Rav Yosef's objection can be understood in two ways, both are valid objections. Rav Moshe Feinstein (Igros Moshe HM 2:18) rules that if someone is bothered by cigarette smoke, people may not smoke in his vicinity. In addition, one who does smoke in the vicinity is liable for tza'ar damages, for the suffering inflicted, and for ripui medical damages, if the person was physically harmed. Rav Moshe adds that this is in addition to the well known health dangers

posed by second hand smoke. Even if one is smoking in his house, if the smoke will reach the neighbor, it is prohibited. Even if one person's smoke would not bother the person, but all the smoke together does, all the smokers are forbidden to smoke in the vicinity. Finally, even if the smoker's Torah learning will suffer, he may not smoke in the vicinity of the sensitive person.

DAILY MASHAL

Hit them only with a sandal strap.

Advice to Teachers

Rav gave some advice to Rav Shmuel bar Shilas, who taught small children. If he had to punish them, he should only hit them with a sandal strap. If a pupil fails to apply himself, don't expel him! Keep him in class till he develops an appetite for study. The Ben Yehoyada' comments that Rav's advice is fraught with profound wisdom. A sandal strap is very wide and hardly hurts but cracks like a whip. The child will not be bodily harmed but duly scared to repent. Moreover he should sit among the others to impress his punishment on them: the rest of the class, hearing the loud straps, won't need to be punished.