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Bava Basra Daf 24

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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

**Rov and Karov**

[Rabbi Chanina maintains that when the principles of *rov*, the majority, and *karov*, close in proximity, conflict with each other, then we follow the principle of majority.]

Abaye says: We also learned this in a *braisa*. The *braisa* states: Blood that is found in a woman’s corridor (*i.e. between the walls of the uterus at its opening*) is impure, as usually comes from the source (*of nidah blood*). This is despite the fact that there is a closer possible source (*see Rashi for the biological explanation*)! This proves that when there is a *rov* (*a majority of times a certain fact is true*) versus *karov* (*the closest possibility*), we follow the *rov*.

Rava asks: You are stating a case where the source produces the most blood, and most blood that comes to this place is from the source. In such a case of *rov* (*most blood overall is produced by the source*) and *matzuy* (*most blood found in the place we are discussing is from the source*), nobody argues on Rabbi Chanina (*that rov is better than karov*). This is as Rabbi Chiya taught: Blood that is found in a woman’s corridor makes one liable for coming into the Holy Temple when impure, and causes one to burn *terumah*.

Rava says: We learn three things from Rabbi Chiya’s statement. We learn that in a case of *rov* versus *karov*, we follow the *rov*. We also learn that *rov* is a Torah concept. We also learn that we hold like Rabbi Zeira. Rabbi Zeira says: Even if the doors of the country are locked (*and we find a piece of meat in a place where there are nine kosher meat stores and one non-kosher one, we permit that piece of meat*). [Rashi explains that while others require another *rov*,

*such as the butchers in the surrounding area are Jews, Rabbi Zeira requires only one rov.*]

The *Gemora* asks: Didn’t Rava himself say that nobody argues in a case of *rov* and *matzuy*? [Why is he bringing a proof from here that *rov* is better than *karov*?]

The *Gemora* answers: Rava retracted his previous statement.

It was taught: A barrel of wine was floating in the river. Rav says: If it was found opposite a city that had a majority of Jews, it is permitted. If it was found opposite a city that had a majority of gentiles, it is forbidden. Shmuel says: Even if it was found opposite a city that had a majority of Jews, it is forbidden, as we say that it is possible that it came from the (*mostly gentile*) city of Hai Dakra.

The *Gemora* asks: Let us say they argue regarding the rule of Rabbi Chanina. Rav agrees with it, while Shmuel does not agree with it.

The *Gemora* answers: No, everyone agrees with Rabbi Chanina. Rav and Shmuel argue about the following. Rav says that if it would have come from Hai Dakra, the winding paths and blockages in the river would have caused it to sink. Shmuel holds that it could have fallen in the middle of the river, and the strong current could have taken it here.

There was a barrel of wine that was found in a vineyard of *orlah* (*fruit of the first three years of a tree’s life that is forbidden to be eaten*) grapes. Ravina permitted the wine.



The *Gemora* asks: Let us say that this is because he holds of the law of Rabbi Chanina!

The *Gemora* answers: This case is different, as if someone would have stolen these grapes and made wine, they would not have left it in the vineyard from which they stole. However, the *Gemora* says, this logic only applies to wine, not grapes.

There were flasks of wine found in the vineyard of a Jew. Rava said they were permitted.

The *Gemora* asks: Let us say that he does not hold of Rabbi Chanina! [It seems he permitted it because it was in a Jewish field, i.e. *karov*, even though most people in the area were gentiles.]

The *Gemora* answers: This case is different, as most people that transfer the wine to the flasks are Jews (*therefore the rov supported this ruling as well*). However, this is only if they were big flasks. If they were small flasks, we would assume they fell from a gentile traveler. If there were big flasks together with small flasks, we would permit them all (*as it is uncommon for a traveler to also have big flasks*). We would therefore say that the small flask was a counterweight on the saddlebag that was holding the big flask (*for transport*). (24a – 24b)

### **Mishna**

One must distance a tree from a city twenty-five *amos*. He must distance a carob or sycamore tree fifty *amos*. Abba Shaul states: Any non-fruit bearing tree must be distanced fifty *amos*. If the city was present before the tree was planted, the owner of the tree must cut it down, and he is not reimbursed. If the tree was there first, he must cut it down, but he is reimbursed. If it is unclear which was first, he must cut it down and he is not reimbursed. (24b)

### **Beautification of the City**

The *Gemora* asks: What is the reason for this law?

Ulla says: It is due to the beautification of the city.

The *Gemora* asks: Why don't we derive this from the law that we do not make a field into open space and open space into a field? [*The Gemora is referring to the law that there should be one thousand amos of open fields around a city.*]

The *Gemora* answers: This is necessary for the opinion of Rabbi Eliezer, who holds that one can make a field into open space and open space into a field. [*Rebbi Eliezer holds that when the Torah stated this regarding the cities of the Levites, it did not mean that this should also be the law regarding regular cities.*] According to him, there is still a law regarding beautification of the city, as stated in our *Mishna*.

According to the *Chachamim* as well, one cannot make a field into an open space nor an open space into a field when it comes to a field of plants. However, one can turn an open space into a field of trees. They therefore also require the law of our *Mishna* that is due to the beautification of the cities.

The *Gemora* asks: How do you know that there is a difference between plants and trees?

The *Gemora* answers this question from a *braisa*. The *braisa* states: If a *karpaf* of more than two *beis se'ah* was surrounded (*by a wall*) for the purpose of living inside of it (*which permits carrying inside of it on Shabbos*), planting most of that area with plants gives it a law of a garden. It therefore becomes forbidden to carry inside of it. However, if it was mostly planted with trees, it has the law of a courtyard, and is permitted. (24b)

### **Reimbursement for the Tree**

The *Mishna* says that if the city is first, the tree should be cut down and he will not be reimbursed.



The *Gemora* asks: Why does the owner of the pit have to reimburse the owner of a tree for the cutting down of his tree, while in our *Mishna* the owner of the tree is not reimbursed?

Rav Kahana says: This is because a pot belonging to partners is neither hot nor cold. [*Rashi explains that it is difficult to collect money from people in the city for the tree, as everyone will say that money should first be collected from others. In the interim, if the tree is allowed to stand, it will affect the beauty of Eretz Yisroel. We therefore rule that the tree must be cut down immediately without payment.*]

The *Gemora* asks: What is the question? Perhaps there is simply a difference between damaging the public and damaging an individual!?

Rather, the *Gemora* answers: Rav Kahana's statement was said regarding the second part of the *Mishna*. The *Mishna* states: If the tree was first, he must cut it down, but he is reimbursed. One would think he could claim, "First give me the money and then I will cut it down!" [*The Mishna implies that he first must cut it down, and only then is he reimbursed.*] Rav Kahana says: This is because a pot belonging to partners is neither hot nor cold.

The *Mishna* says: If it is unclear which was first, he must cut it down and he does not get reimbursed.

The *Gemora* asks: Why is this different than the case of a tree near a pit, where the law was that he does not have to cut it down?

The *Gemora* answers: In that case there is no definite ruling that he must cut it down. We therefore do not tell him to cut it down in a doubtful situation. In our case, he definitely must cut it down (*the only question is whether or not he is reimbursed*). We therefore tell him to cut it down even when we are unsure if he is to be reimbursed. If he claims he is not going to be reimbursed, we say that he should bring proof that he was there first and then be reimbursed. (24b)

### **Mishna**

One must distance a permanent silo fifty *amos* from the city. A person should not make a permanent silo in his own domain unless it is more than fifty *amos* from the border of his property. He must distance it from the plants and plowing of his friend, in order that he should not damage. [*The Gemora will explain this last law further.*] (24b)

### **Distancing a Silo**

The *Gemora* asks: What is the difference between the first part of the *Mishna* and the last part of the *Mishna* (*that implies distancing less than fifty amos*)?

Abaye says: The second part of the *Mishna* is discussing a silo that is not permanent.

The *Gemora* asks: What is the case of a silo that is not permanent?

Rabbi Yosi the son of Rabbi Chanina says: It is small enough that he does not have to winnow with a shovel.

Rav Ashi says: The second part of the *Mishna* is merely giving the reason for the first part. Why should he only distance his silo fifty *amos* from the city? This is in order that he should not damage the city.

The *Gemora* asks a question from a *braisa*. The *braisa* states: One must distance a permanent silo fifty *amos* from the city. Just as one must distance his silo fifty *amos* from the city, so too must he distance his silo from the gourds, cucumbers, plants, and plowed field of his friend, in order that he should not damage them. This *braisa* is understandable according to Rav Ashi. However, according to Abaye this seems difficult.

The *Gemora* concludes that this is indeed difficult to understand according to Abaye. (24b)



## INSIGHTS TO THE DAF

### ***Retaining its Beauty***

The *Mishna* says that if the city is first, the tree should be cut down and he will not be reimbursed.

The *Gemora* asks: Why does the owner of the pit have to reimburse the owner of a tree for the cutting down of his tree, while in our *Mishna* the owner of the tree is not reimbursed?

Rav Kahana says: This is because a pot belonging to partners is neither hot nor cold. [*Rashi explains that it is difficult to collect money from people in the city for the tree, as everyone will say that money should first be collected from others. In the interim, if the tree is allowed to stand, it will affect the beauty of Eretz Yisroel. We therefore rule that the tree must be cut down immediately without payment.*]

The *Gemora* asks: What is the question? Perhaps there is simply a difference between damaging the public and damaging an individual!?

Rather, the *Gemora* answers: Rav Kahana's statement was said regarding the second part of the *Mishna*. The *Mishna* states: If the tree was first, he must cut it down, but he is reimbursed. One would think he could claim, "First give me the money and then I will cut it down!" [*The Mishna implies that he first must cut it down, and only then is he reimbursed.*] Rav Kahana says: This is because a pot belonging to partners is neither hot nor cold.

Reb Moshe Feinstein asks: According to the Rishonim who hold that this *halachah* applies only in *Eretz Yisroel*, what is the *Gemora* asking that he should tell them, "First give me the money and then I will cut it down"? It is also incumbent upon him to beautify *Eretz Yisroel*! Just as they are obligated to give him money for this, he should be obligated to lose money on this account!?! Why should he be entitled to cut it

down only with the stipulation that he should be reimbursed for it?

Now if the *halachah* would apply in all lands because it is painful for people to see the ruining of their town, we could understand that he would have a right to claim that the town's look does not bother him at all. However, the beauty of *Eretz Yisroel* is not dependent on his personal preference – if so, why should he be allowed to make such a stipulation?

He answers that although they all are obligated to preserve *Eretz Yisroel's* beauty, he is not compelled to lose money for this.

## DAILY MASHAL

### **When did Rava ask Rav Dimi to forgive him?**

The *Gemora* earlier related: Rav Dimi came to Nehardea with a stock of dried figs. The Reish Galusa (Leader of the Exile) sent Rava to see if the newcomer was a talmid chacham, who has a right to be the first to sell that day in the market. Rava, though, sent Rav Ada bar Aba instead, who questioned Rav Dimi superficially; the latter was not declared a talmid chacham and suffered a loss. A relevant story is told in Rav Chayim Vital's *Sha'ar HaGilgulim* (p. 54b). HaGaon Rav Yosef Karo (the Beis Yosef) was taught *Kabalah* by a teacher sent from on High. Similarly Rav Chayim Vital, the Arizal's major pupil, was regularly accompanied and instructed by Rav Dimi. Rava, he writes, came to him in a dream and later during prayer, each time greeting him and asking him how he was. The Arizal said that Rava meant thus to ask Rav Dimi's forgiveness, as if he himself had examined him, instead of sending Rav Ada bar Aba, Rav Dimi would have been declared a talmid chacham and spared a loss.