

16 Nissan 5777
April 12, 2017



Bava Basra Daf 80

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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

Mishna

If someone buys the offspring of a dovecote (*for a year*) from his friend, he lets the first pair of offspring stay with the mother. [*The Rashbam explains that he lets the seller keep it for the good of the coop. By way of introduction, doves lay two eggs, male and female, once a month (except for the month of Adar). After two months, the second generation doves, they too lay eggs once a month. In an instance where the seller sold the production of the dovecote, without specifying, then the dovecote is not included in the sale. The first pair of doves must remain with the mother, for otherwise, the mother will leave and the dovecote will be destroyed.*] If someone buys the offspring of a beehive for a year, he takes the first three swarms that are produced, and the seller can then cut off giving him bees (*to an extent, see below*). If someone sells the honeycombs of his beehive, he can keep two honeycombs (*in his possession – this is done in order to preserve the honeycomb for the next season*). If someone sells his olives to be cut, he can leave two olive branches (*in order that it should grow back*). (80a)

Companionship for the Bees

The *Gemora* asks: Doesn't the *braisa* say that he must let the first and second pair of offspring stay with the dovecote?

Rav Kahana answers: This is not difficult. The *braisa* mentions that the eventual offspring from the first pair of offspring should also be left (*with the daughter*), while the *Mishna* merely focused on what is left with the mother (*only the first pair*).

The *Gemora* asks: Why do we leave the offspring with the mother? This is because she is consoled that she is together with her mate and the first pair that is left with her. Why, then, don't we say that the female from the first pair should be content with her mate and her mother (*so why is it necessary to leave the daughter's offspring as well*)?

The *Gemora* answers: A mother is comforted by the presence of her daughter, but a daughter is not comforted by the presence of her mother. [*However, if she has children, this will comfort her. The Rashbam explains that the reason we do not require that the second pair should have their first pair stay with them is because they are already comforted by the large family they have been born into (three generations).*] (80a)

Swarms of Bees

The *Mishna* says: If someone buys the offspring of a beehive for a year, he takes the first three swarms that are produced, and the seller can then cut off giving him bees (*the swarms produced later are inferior than the earlier ones*).

The *Gemora* asks: How does he castrate these bees?

Rav Yehudah answers in the name of Shmuel: He does this with mustard seeds.

In *Eretz Yisroel* they answered in the name of Rabbi Yosi bar Chanina: The mustard does not directly castrate

them. Rather, because they have the bitter taste of mustard in their mouth, they go back and eat their honey (and are so full they do not procreate).

Rabbi Yochanan answers: [The Mishna is not talking about castration, but rather “alternating,” a different definition of the word “sirus.”] He takes three swarms skipping one at a time. [The buyer gets the first, third, and fifth swarms; this way, they each receive superior and inferior bees]

The *braisa* states: The buyer takes the first three swarms, and from then on, he takes one and leaves one (for the seller). (80a)

The Status of Honey

The *Mishna* says: If someone sells the honeycombs of his beehive, he can keep two honeycombs.

Rav Kahana says: Honey in a beehive is always considered to have a status of food (and is therefore susceptible to becoming *tamei*).

The *Gemora* notes: This implies that one does not need to think that it should be for food in order to give it a status of food.

The *Gemora* asks a question from a *braisa*. The *braisa* states: Honey in a beehive is not considered to have a status of food nor drink. [This clearly contradicts Rav Kahana’s statement!?!]

Abaye answers: The *braisa* is referring to the two honeycombs that are kept to be used to sustain the bees for the next year (and since they will not be consumed by humans, they are not regarded as food).

Rava says: The *braisa* is according to Rabbi Eliezer. This is as the *Mishna* states: Rabbi Eliezer says that a beehive is like land. One can write a *pruzbul* (after *shemitah* all debts are cancelled unless the lender wrote a *pruzbul*; a

document which transfers all of one’s personal loans to the *Beis Din*, and their debts are not cancelled after *shemitah*) because of it (if the borrower owns a beehive, it fulfills the requirement that the borrower own land). It is not susceptible to *tumah* (for ground cannot become *tamei*). If someone (accidentally) takes honey from it on *Shabbos*, he must bring a sin offering (for it is regarded as reaping, in the same manner as one who detaches a plant from the ground). The *Chachamim* say: A beehive is not like land. One cannot write a *pruzbul* because of it. It can become *tamei*. If someone (accidentally) takes honey from it on *Shabbos*, he is exempt (from bringing a sin offering). Rabbi Elozar stated: What is Rabbi Eliezer’s reasoning? The verse states: *And he dipped it in the forest of honey*. Just as one must bring a sin offering if he harvested something from a forest on *Shabbos*, so too a person must bring a sin offering from taking honey from a beehive on *Shabbos* (for honey is regarded as being attached to the ground even if the beehive is not attached to the ground).

The *Gemora* asks a question from a *braisa*. The *braisa* states: Honey that flows from the hive is neither food nor drink. According to Abaye, this is understandable (as it is talking about the two honeycombs left for the bees). However, how does Rava understand this *braisa*? [Being that the honey is flowing, it cannot be considered to have a status of land. It therefore cannot be that the *braisa* is being stated because of Rabbi Eliezer’s reasoning.]

Rav Zevid answers: The case is where the honey flows onto a repulsive vessel. [Being that it was not considered food beforehand, and when it flows it is on a disgusting vessel, it needs to be thought of as food to give it a status of food.]

Rav Acha bar Yaakov says: The case is where it flowed onto small pieces of wood. [It therefore cannot be collected, and therefore will not end up being food.]

The *Gemora* asks a question from a *braisa*. The *braisa* states: Honey in a beehive is neither food nor drink. If he thought it should be used for food, it is able to become *tamei* as a food. If he thought it should be used for drink, it is able to become *tamei* as a drink. This is understandable according to Abaye (*as it refers to the two honeycombs left over*). However, this is difficult according to Rava!

Rava answers: The *braisa* must mean that, "If he thought it should be used for food, it is unable to become *tamei* as a food. If he thought it should be used for drink, it is unable to become *tamei* as a drink (*as it is connected to the ground*).

The *braisa* supports Rav Kahana's law (*that honey in a beehive is considered to have the status of food*). The *braisa* states: Honey in a beehive is able to become *tamei* as a food without requiring the owner to specifically think that it is food. (80a – 80b)

Trees

The *Mishna* says: If someone sells his olives to be cut, he can leave two olive branches.

The *braisa* states: If someone buys a tree from his friend in order that he should cut it down, he must lift it up off the ground a *tefach* (*i.e. leave a tefach of tree above the ground*) and then cut it. If it was a young tree, he must leave three *tefachim*. If it was an old tree (*that was already cut once*) he only must leave two *tefachim*. If he is cutting reeds or vines, he must cut above the knot (*where the vines or reeds come out of*). If he is cutting a palm tree or cedar tree he can dig up the entire tree, as their roots do not change (*to grow another tree*).

The *Gemora* asks: Does one have to leave three *tefachim* above ground when cutting a young tree? Doesn't the *braisa* state: One cannot cut a young tree on *Shemittah* because it is work (*that will cause a new tree to grow*).

Rabbi Yehudah says: One cannot cut it in a normal fashion. Rather, one can leave ten *tefachim* and cut, or take the whole thing out of the ground. This implies that if one takes the whole tree out of the ground it is not possible to grow a new one, but if leaves even a little it can grow another tree!

Abaye answers: If it is cut three *tefachim* above the ground, it will grow another tree. If it is taken out of the ground, it will not. If up to three *tefachim* is left above ground, it is neither good nor bad (*sometimes it will grow another tree and sometimes it will not*). Accordingly, on *Shemittah* we say that a person must ascertain that he is not growing another tree. Regarding a sale, we say a person must do what is best for the tree.

The *braisa* stated: If he is cutting a palm tree or cedar tree he can dig up the entire tree, as their roots do not change.

The *Gemora* asks: Does a cedar not grow a new tree after it is cut? Rabbi Chiya bar Luleini taught:

What does the verse mean when it says, "A righteous person like a date will blossom, and like a cedar in Lebanon will grow?" If the verse must discuss a date, why discuss a cedar? If it must discuss cedar, why discuss a date? It must be that if it would say cedar and not date I would think that just as a cedar does not grow fruit, so too a righteous person does not grow fruit. This is why it says, "a date." If it would say date and not cedar I would think that just as a date does not grow another tree from its roots, so too a righteous person does not grow again (*i.e. have a son like himself*). This is why it says, "a cedar." [*This clearly implies that a cedar does grow another tree!*]

The *Gemora* answers: This is discussing other types of cedars, as explained by Rabbah bar Rav Huna. Rabbah bar Rav Huna said that in the house of Rav it was said that there are ten types of cedar trees. This is as the verse says, "And I will put in the desert an *erez* (*cedar*), *shitah*, *hadas*, *v'eitz shemen asim* etc." An *Erez* means a basic cedar tree.

Shitah is a turnisa. Hadas is an asa. Eitz shemen is an afarsama. Brosh is a brati. Tidhar shruga and tashur (*mentioned later in this verse*) refers to shurbina. [*These are all types of cedars.*]

The *Gemora* asks: This is only seven (*not ten*)! When Rav Dimi arrived he said: The sages added alonim, almonim, and almogim. Alonim is butni, almonim is bloti, and almogim is ksisa. [*All types of cedars not mentioned in the verse, but added to the list.*] (80b – 81a)

HALACHOS OF THE DAF

(Choshen Mishpat Siman 220)

When one sells a dovecote, the birds are included in the sale. If one sold the birds, the dovecote is included in the sale, only in a case where the seller specified that he's "selling the entire production (all the birds offspring) of the dovecote, without excluding anything." By way of introduction, doves lay two eggs, male and female, once a month (except for the month of Adar). After two months, the second generation doves, they too lay eggs once a month.

In an instance where the seller sold the production of the dovecote, without specifying, then the dovecote is not included in the sale. Furthermore, the buyer is not entitled to all of the future offspring, rather he must leave over three pairs of newly born doves. This means as follows. At the time of sale, in the dovecote there were a pair of doves (first generation), and their offspring – a pair of doves (second generation). The buyer must wait until the first generation lays another pair, and the second generation lays two pairs.

The reason being, that in order not to depopulate the dovecote, there has to be two pairs to each of the first two generations. For if the doves do not have companionship, they will leave. Therefore, at the time of sale, the first generation already had one pair, and only

one additional pair is required, and the second generation didn't have any pairs, so the buyer must wait until they have two pairs. Although this is not the way the Rashbam and other Rishoinim learned the *Gemora*, rather they understood the gemara, that the buyer must wait until the first generation has a pair (second generation) and the second generation has a pair (third generation). Nevertheless, this is how the Shulchan Aruch (as clarified by the S'ma) and the Rambam (*as clarified by the Maggid Mishnah*), understood the *Gemora*.