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Bava Basra Daf 27

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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

### **Illegal Nutrients**

*[Ulla had stated that if one plants a tree within sixteen amos of the boundary, he is a thief and one cannot bring bikkurim from the fruit. [There is a mitzvah to bring the first fruit (bikkurim) to the Beis Hamikdash. The fruit has to be from one’s own land. Here when the tree is receiving nutrients from other land one cannot bring bikkurim.] The Gemora had asked: What is Ulla’s source for this halachah?]*

The Gemora answers: Ulla’s source is from the following Mishna. The Mishna states: Three trees, each belonging to a different person, combine (when they are all within a beis sa’ah of land) to be considered a “tree field.” Due to this status, the entire beis se’ah of land that they are on can be plowed (until Shavuot on the year before Shemittah, as is the law regarding a tree field). [If it would not have this status, the land could only be plowed freely until Pesach.] How much land is this discussing? It is discussing a beis se’ah, which is twenty-five hundred square cubits. How much space is taken up by each tree? Eight hundred and thirty-three and one-third cubits are taken up.

The Gemora asks: Ulla’s amount is far more! [Ulla’s amount of distancing sixteen cubits on each side gives us at least a thirty-two by thirty-two cubits square that equals one thousand and twenty four cubits for one tree.]

The Gemora answers: Ulla wasn’t being precise.

The Gemora asks: We can only say he wasn’t being exact if he was being stringent, not if he is being lenient (exempting such a tree from the bringing of bikkurim)!?

The Gemora answers: Did you think that Ulla’s law was said regarding a square? It was said regarding a circle! How much more area is there in a square than a circle? There is one quarter more area. This means Ulla’s law is referring to a distance of seven hundred and sixty-eight square cubits.

The Gemora asks: There is still one more half cubit! [If one would thicken a square of thirty-two by thirty-two cubits by putting a half cubit strip around it, he would almost get Ulla’s figure (see Rashi at length).]

The Gemora answers: This is what was meant by what was said earlier that Ulla was not exact in his amount. However, he was stringent, not lenient. In such a case one can say that he was not exact.

The Gemora asks a question from a braisa. The braisa states: If someone buys a tree and its surrounding land it, he brings bikkurim (first fruits brought to the Beis Hamikdash) from the tree and reads the special reading of bikkurim when doing so. This implies that even a little amount of land is sufficient!

The Gemora answers: No, it means he bought sixteen square cubits of land.

The *Gemora* asks another question from a *braisa*. The *braisa* states: If someone bought two trees from the field of his friend, he brings *bikkurim* and does not read the reading of *bikkurim*. This implies that if he bought three trees, he would do so, and it is unimportant how much land the trees are on.

The *Gemora* answers: No, it means he bought sixteen cubits of land for each one.

The *Gemora* asks a question from another *braisa*. The *braisa* states: Rabbi Akiva says that even a small amount of land obligates one in *pe'ah* (leaving a corner of the land that bears produce for the poor) and *bikkurim*. One can also write a *pruzbul* on such land. [A *pruzbul* is a document instituted by Hillel whereas one can avoid having loans owed to him being made null and void after the *Shemittah* year, as stated by the Torah, by giving his loans over to *Beis Din* in this document. The borrower must own a small amount of land for this to take effect.] One can also acquire movable possessions along with a small amount of land. The beginning of this *braisa* clearly implies that even a minute amount of land makes one obligated in *bikkurim*!

The *Gemora* answers: The *braisa* is referring to wheat (not a tree, and therefore only a minute amount of land must be owned). This can be proven from the *braisa* itself, which stated, "even the smallest amount." [A tree obviously is not on the smallest amount of land, whereas a wheat stalk does not need a lot of room.]

The *Gemora* asks a question from another *braisa*. The *braisa* states: If a tree is partially in *Eretz Yisroel* and partially outside of *Eretz Yisroel*, it contains a mixture of *tevel* (untithed grain) and non-*tevel* grain. These are the words of Rebbe. Rabban Shimon ben Gamliel says: Whatever grows in *Eretz Yisroel* must be tithed, and whatever grows outside does not have to be tithed.

The *Gemora* continues to explain the question. These *Tannaim* argue regarding whether or not we can retroactively determine that some of the produce is obligated in tithing and some is not. However, everyone agrees that if the roots of the tree would be outside of *Eretz Yisroel*, it would be exempt from tithing, even if the tree is within sixteen cubits of *Eretz Yisroel*. [We do not say that it is regarded as growing in *Eretz Yisroel* since it is drawing its nourishment from there.]

The *Gemora* answers: The case is where there is a hard rock separating the roots in half (so one side does not get benefit from the soil of the other side).

The *Gemora* asks: If so, what is Rebbe's reasoning?

The *Gemora* answers: His reason is because the nutrients becomes mixed again (in its trunk).

The *Gemora* asks: What, then, is their argument?

The *Gemora* answers: Rebbe holds that the air (the fact that the thickness of the tree grows from one side to the other) mixes all the nutrients together. The other opinion holds that being that their roots are separated, each side is considered separate.

The *Gemora* asks: Does one only require sixteen cubits per tree? Doesn't the *Mishna* say: One must distance his tree from a pit twenty-five cubits?

Abaye answers: the roots can grow up to twenty-five cubits; however, it can only draw nutrients from the earth within sixteen cubits (so if the tree is more than sixteen cubits from his neighbor's field, he is not considered a thief).

When Rava Dimi arrived (from *Eretz Yisroel*), he said that Rish Lakish had asked Rabbi Yochanan: What is the law if a tree is within sixteen cubits of a border?

Rabbi Yochanan said: He is a thief, and he cannot bring *bikkurim* from that produce.

When Ravin arrived (*from Eretz Yisroel*) he said in the name of Rabbi Yochanan: Whether a tree is too close to a border or whether it is leaning over his friend's field, one can bring *bikkurim* from it and read the special reading of *bikkurim*. This is because Yehoshua let Bnei *Yisroel* inherit the land on the condition that they would not enforce these laws. (26b – 27b)

#### **Mishna**

If one has a tree that is leaning over his neighbor's field, he must cut it so that it does not overhang in a way that disturbs his friends plow (*along with cattle*) from plowing. If he has a carob or sycamore tree, everything (*that is leaning over his friend's field*) must be cut (*even if it is high up*). If the field is one that requires a lot of water and it does not have its own water source, all trees hanging over are cut (*meaning all the way up*) in this fashion. Abba Shaul says: All non-fruit trees are cut in this fashion (*see below for explanation*). (27b)

#### **Abba Shaul**

The *Gemora* asks: Was Abba Shaul addressing the first part of the *Mishna* or the second part of the *Mishna*?

The *Gemora* attempts to answer this question from a *braisa*. The *braisa* states: Abba Shaul says that all of the tree must be cut all the way up, as the shade is bad for this type of field (*that does not have its own source of water*). This clearly shows that Abba Shaul in the *Mishna* is discussing the first part of the *Mishna*.

Rav Ashi says: This is also apparent from our *Mishna*. The *Mishna* states: "All non-fruit trees." It is understandable if Abba Shaul is addressing the first part of the *Mishna*, as that is why he says, "any tree" (*as opposed to only a carob and sycamore*); however, if he addressing the second part

of the *Mishna*, he should just say, "non-fruit trees" (*not "all non-fruit trees," which implies inclusion*).

It therefore must be that he is addressing the first part of the *Mishna*. (27b)

#### **Mishna**

If a tree is leaning over the public domain, it must be cut so that a camel and its rider may pass by. Rabbi Yehudah says: A camel who is carrying flax or bundles of branches must be able to pass. Rabbi Shimon says: The entire overhang must be cut, as it creates a problem of impurity (*explained below*). (27b)

#### **Explaining the Mishna**

The *Gemora* asks: Who is the *Tanna* who holds that regarding damages, we only look at what is occurring now?

Rish Lakish says: This is an argument, and Rabbi Eliezer is the opinion who says that we only look at the present. This is as the *Mishna* states: One cannot dig up a space under the public domain or various types of pits (*as it will eventually destabilize that area, causing it to fall in*). Rabbi Eliezer says: As long as a wagon carrying stones can drive over the area, it is permitted. [*This implies that this is permitted now, even though later the area might become weak.*]

Rabbi Yochanan says: Even the Rabbis hold that we look at the present. They are stringent in this *Mishna*, as sometimes a person will dig and not notice he is destabilizing the floor of the public domain. However, in our *Mishna*, they understand that he must cut any branch that will grow back out over the public domain.

The *Mishna* had stated: Rabbi Yehudah says that a camel who is carrying flax or bundles of branches must be able to pass.



## INSIGHTS TO THE DAF

### *Ruling of the Day*

They (*students of the yeshiva*) inquired: Is the amount given by Rabbi Yehudah more stringent, or is that of the Rabbis more stringent?

The *Gemora* answers: It is obvious that the amount of the Rabbis is more stringent. If Rabbi Yehudah's amount is more, what would the Rabbis say regarding Rabbi Yehudah's case? [*In other words, what would the camel driver be expected to do? Of course he should be able to pass!*] It must be that the Rabbi's amount is more. What, then, does Rabbi Yehudah suggest from the donkey driver when he cannot pass?

The *Gemora* answers: He can lean down and go underneath the branches.

The *Mishna* says: Rabbi Shimon says the entire overhang must be cut, as it creates a problem of impurity.

The *braisa* explains: This is because it creates a tent over the impurity (*i.e. parts of a dead body that are under it spread the impurity under the entire overhang of the tree, causing a greater space of spreading impurity in the public domain*).

The *Gemora* asks: Isn't this obviously what Rabbi Shimon means, as he said it is due to impurity?

The *Gemora* answers: The terminology in the *Mishna* alone might imply that a bird could pick up a piece of a dead body, carry it onto the branches, and it would later fall onto a passerby. If this is the suspicion, one might think it would be sufficient to put thorns on top of the branches so pieces of impurity will not stay on the branches. This is why the *braisa* must tell us that the problem is the overhang. (27b)

The *Mishna* states: If a tree is leaning over the public domain, it must be cut so that a camel and its rider may pass by.

HaGaon Rav Yosef Shalom Elyashiv rules in reference to our *Mishna* demanding a tree's owner to prune its branches that disturb public traffic that he is only required to cut branches up to the height of a camel with its rider. The current obligatory limit, however, is the minimal height demanded by government authorities for building bridges over roads.

### DAILY MASHAL

#### The best advice to attain true riches

Our gemara counsels those seeking wisdom to face southward in prayer and those wanting riches to face to the north. In his Ben Yehoyada', Rav Yosef Chayim reminds us that experts in moral conduct advise us, for spiritual matters, to look to those above us to increase our striving for achievement. For material matters, we should consider the poorer and be content with our lot. The south, darom, is also called teiman, from yamin ("the right") as when we face the dawn the south is to our right. To the right of the letters lamed and beis, forming lev – the heart, being the seat of wisdom and striving – stand the letters alef and kaf, spelling ach ("only") whereas to their left stand gimel and mem, forming gam ("also"). Those seeking wisdom, then, should turn to the right (south), stressing they are only at their present level and must strive upwards whereas those wanting riches should turn to the left (north), look at the poorer and realize they also have much more than others. Becoming happy with their portion, they will be truly rich.

WE SHALL RETURN TO YOU, LO YACHPOR