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Bava Basra Daf 66

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Attached to the Ground

The *Gemora* cites a *braisa*: If a man sells a house (and he does not specify what is included), he has sold the door, the bolt, and the lock (that are all attached to the house), but not the key (for it is movable). He has sold the mortar that has been hollowed out from something that was attached to the ground, but not one that has been hollowed out from something that was not attached to the ground, and afterwards, it was fixed to the ground. He sold the mill-ring, but not the hopper (for it is movable). He has not sold the oven, the stove or the millstones (for they are movable). Rabbi Eliezer, however, says that everything attached to the ground (even if it was only fixed to the ground afterwards) is regarded as the ground. When he said to him, “I am selling you the house and all that is in it,” - all of the utensils (mentioned above) are sold. In either case, he has not sold the well, the cistern, or the annex.

The *Gemora* cites a *braisa*: If a man hollows out a pipe (and makes it into a vessel) and then attaches it to the ground, the water flowing from it (into a mikvah) makes it unfit for use (for “drawn” water (water that doesn’t flow naturally) disqualifies a mikvah; the fact that it is now attached to the ground does not change its status as a vessel). If, however, he first attaches it to the ground and then hollows it, it does not disqualify the mikvah.

The *Gemora* asks: Whose opinion is this *braisa* following? For it cannot be either Rabbi Eliezer or the Rabbis!?

The *Gemora* attempts to determine which position of Rabbi Eliezer is the *Gemora* referring to when it states that the *braisa* cannot be in accordance with him. It cannot be referring to the one about the house (where he ruled that everything attached to the ground is regarded as the ground), for there it might be because he holds that the seller interprets the terms of sale generously, whereas the Rabbis hold that he is stingy when he is selling.

Perhaps, says the *Gemora*, we are referring to Rabbi Eliezer’s position regarding beehives, for we learned in a *Mishna*: Rabbi Eliezer says that a beehive is like land. One can write a *pruzbul* (after *shemita* 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 *shemita*) 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*). [A *beehive* is first constructed and then attached to the ground. Evidently, Rabbi Eliezer maintains that this is regarded as ground. This position would not be in agreement with the *braisa* which rules that the pipe which was hollowed out and then attached to the ground retains its status as a vessel, and water drawn through it will disqualify a *mikvah*.]

The *Gemora* answers: The reason for this *Mishna* is different, as is apparent from Rabbi Elozar's reasoning. For 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*). [It is therefore still unclear what the *Gemora* meant when it said that the *braisa* regarding *mikvaos*, which states that something, which is later attached to the ground does not lose its status of a vessel, is unlike Rabbi Eliezer.]

Rather, the *Gemora* is referring to Rabbi Eliezer's position regarding a board. The *Mishna* states: A baker's board was fixed to a wall. Rabbi Eliezer holds that it remains *tahor* (*for anything attached to the ground is regarded as ground*), while the *Chachamim* say that it can become *tamei* (*for it is not considered as ground*). [Seemingly, there is no difference in *halachah* between a case where it was made into a vessel and then attached to the ground or if it was attached beforehand.]

The *Gemora* asks: Who is the author of the (*aforementioned*) *braisa* regarding the hollowed pipe?

If it is Rabbi Eliezer, even if the pipe was hollowed out and then attached to the ground, it should be regarded as ground (*and the water drawn from it should not disqualify the mikvah*)! If it is the Rabbis, even if it was attached and then hollowed out, it should not be regarded as ground (*and the water drawn from it should disqualify the mikvah*)!?

The *Gemora* answers: The *braisa* (*which rules that if the vessel was completed before it was attached to the ground is not regarded as ground*) is in accordance with Rabbi Eliezer. Flat wooden vessels are different, however, as they are susceptible to *tumah* even before being attached to the ground only according to Rabbinic law. [This is why Rabbi Eliezer was lenient regarding a flat wooden board that was attached to the ground, and not lenient regarding the pipe that was hollowed out, and only later attached to the ground.]

The *Gemora* asks: This implies that the law that water that was drawn in a vessel can invalidate a *mikvah* is a Biblical law. Don't we hold that it is a Rabbinic law? Additionally, didn't Rabbi Yosi the son of Rabbi Chanina say that the argument in the case of a baker's board (*quoted above*) was regarding a metal board (*and not a wooden one*)?

The *Gemora* answers: In fact, the *braisa* regarding the hollowed pipe was authored by the Rabbis (*who maintain that the baker's board is regarded as a utensil even if it was completed after it was attached to the ground, since a utensil can biblically become tamei*). They were more lenient in that case (*of the hollowed pipe*) because the *halachah* that drawn water disqualifies a *mikvah* is only Rabbinic in nature. [This is why they permitted the pipe if it was affixed to the ground and then hollowed out.]

The Gemora asks: If so (*that we can be lenient in regard to this halachah*), why aren't they also lenient in the case where it was hollowed out first?

The Gemora answers: This case is different, as it was already deemed a vessel when it was not attached the ground. [*They did not want to be so lenient that they will even ignore something that was already deemed a vessel before it was connected to the ground.*]

Rav Yosef inquired: If a person was pleased that it was raining because this will clean his mill-ring (*the lower part of his grinder*), does it render his seeds susceptible to tumah? According to Rabbi Eliezer who says that whatever is connected to the ground is regarded as ground, there is no question. [*The only way that the seeds will become impure is if he was pleased that something unattached to the ground was getting wet. Being that Rabbi Eliezer holds that the lower part of the grinder is like the ground, that would clearly not count.*]

The question is according to the Rabbis who say that something attached to the ground is not like the ground itself. What is the law? The Gemora leaves this question unresolved.

Rabbi Nechemia the son of Rav Yosef sent the following message to Rabbah the son of Rav Huna Zuta of Nehardea: When this woman presents herself to you, collect for her a tenth of her deceased father's estate even from the base of a mill (*since it is connected to the ground, it is regarded as real estate*).

Rav Ashi stated: When we were at the Beis Medrash of Rav Kahana, we authorized the collection of the dowry even from the rent of houses (*the rent for the house is also regarded as real estate*). (65b – 67a)

DAILY MASHAL

All of Them Depend on One Another

In his *Simchas HaRegel* (Sukkos, *limud alef*), the Chida cites *Ayumah Kenidgalos*: A king of Spain once summoned a few important Jews and ordered them to choose one of the three: to eat forbidden food, to drink gentile wine or to wed gentile women. They chose to drink gentile wine, which is only a Rabbinical prohibition. However, after they became drunk, they transgressed all the prohibitions.

All of Chazal's decrees depend on one another.