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Bava Basra Daf 81

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### **Mishna**

If one buys two trees on someone’s land, he does not acquire the land between them (*as well as the land underneath the trees*). Rabbi Meir says that he does acquire the land (*for it is as if he bought a field with two trees in it*).

And (*according to the Tanna Kamma*) if the branches grow (*and extend to the sides*), the owner of the land may not prune them (*even though the shade is harmful to his crops; this is because the seller has pledged his land to supply for the needs of the trees*). And that which grows from the trunk belongs to him (*the buyer; this is because it is coming from the tree itself*). That which grows from the roots belongs to the owner of the ground (*for it grew from his soil*). And if they died, he has no rights in the ground.

One who bought three trees acquires the land between them. If the branches grew, he may prune them. And that which grows from the trunk and from the roots belongs to him (*the buyer*). And if they died, he has the rights in the ground (*to plant others in its place*). (81a)

### **Bringing Bikkurim, but not Reciting**

The *Gemora* cites a *Mishna*: If a man buys two trees that are in another man’s field, he brings the *bikkurim*, but he does not recite the verses (*for he has not acquired the*

*land, and he cannot recite the verse: “from the land which you gave to me”*). Rabbi Meir said: He brings the *bikkurim* and he recites the verses.

Rav Yehudah said in the name of Shmuel: Rabbi Meir would hold that one is required to bring *bikkurim* even from fruits that he bought in the marketplace (*even though he owns no land with it*). This he proves from the fact that the *Mishna* cited Rabbi Meir’s opinion by *bikkurim* (*regarding two trees*) even though it is known already that he maintains that one does not acquire land when he purchases two trees. It is written again to teach us that Rabbi Meir holds that one is required to bring *bikkurim* even if he does not own land.

The *Gemora* asks: But is it not written: *And you shall take the first fruit that you bring in from your land?* The *Gemora* answers: This is to exclude fruits that grow outside of *Eretz Yisroel*.

The *Gemora* asks: But is it not written: *The choicest first fruit of your land shall you bring?* The *Gemora* answers: This is to exclude fruits that grow in an idolater’s land.

The *Gemora* asks: But is it not written: *The first fruits of the land which you have given me?* The *Gemora* answers: This is referring to the fruits for which You have given me money with which to buy them.

Rabbah asks from the following *braisa*: If a man buys one tree that is in another man’s field, he brings the *bikkurim*, but he does not recite the verses for he has not acquired

the land (*and he cannot recite the verse: "from the land which you gave to me"*); these are the words of Rabbi Meir. This is indeed a refutation!

Rabbi Shimon ben Elyokim asked Rabbi Elozar: What is Rabbi Meir's reasoning by one tree (*if he cannot recite the verses, why should he be required to bring the bikkurim*), and what is the reason that the *Chachamim* hold by two trees that he brings the *bikkurim* but he does not recite the verses (*if he cannot recite the verses, why should he be required to bring the bikkurim*)?

He replied: Do you ask me in the Academy on a matter about which the earlier Sages gave no reason, in order to shame me?

Rabbah said: What is the difficulty? It is possible that Rabbi Meir was uncertain about one tree, and the *Chachamim* about two trees (*if he acquires land or not; it is for this reason that he brings the bikkurim without reciting the verses*).

The *Gemora* asks: But should we not be concerned that these fruits are not *bikkurim* and consequently, one would be bringing unconsecrated fruits into the Temple Courtyard? The *Gemora* answers: He consecrates them first (*he stipulates that if the land is not his, these fruits should be sanctified*).

The *Gemora* asks: But the *Kohen* must eat them (the *bikkurim*; and if it is consecrated, he will be misappropriating *hekdesch*)!? The *Gemora* answers: He redeems them first.

The *Gemora* asks: But perhaps they are not *bikkurim* and he thus exempts them from the *terumah* and *ma'aser* obligation!? The *Gemora* answers: He separates the *terumah* and *ma'aser* from them before giving them to the *Kohen*.

The *Gemora* asks: With respect of *terumah*, this is understandable, for he gives it to the *Kohen*. With respect of *ma'aser sheini* (*a tenth of one's produce that he brings to Yerushalayim and eats there in the first, second, fourth and fifth years of the Shemitah cycle; it can also be redeemed with money and the money is brought up to Yerushalayim, where he purchases animals for korbanos*) also, he gives it to a *Kohen* (*for anyone can eat it in Yerushalayim*). With respect of *ma'aser ani* (*a tenth of one's produce that he gives to the poor in the third and sixth years of the Shemitah cycle*) also, he gives it to a poor *Kohen*. But to whom does he give the *ma'aser rishon* which belongs to the Levi? The *Gemora* answers: He gives it to a *Kohen* in accordance with the ruling of Rabbi Elozar ben Azaryah, for it has been taught in a *braisa*: *Terumah Gedolah* belongs to the *Kohen*, and *ma'aser rishon* belongs to the Levite; so said Rabbi Akiva. Rabbi Elozar ben Azariah said: *Ma'aser* is given to the *Kohen* (*and not to the Levi, for Ezra penalized them*).

The *Gemora* asks: But perhaps they are *bikkurim* and consequently require the recital of the verses? The *Gemora* answers: The recital is not crucial to the *mitzvah*.

The *Gemora* asks: Is it not crucial? Surely Rabbi Zeira said in regards to a *korban minchah*: A flour-offering that is fit for mixing (*of the flour and the oil of the offering; with one log of oil for sixty esronim of flour, and a maximum of sixty esronim in one pan, perfect mixing is possible*), the mixing is not critical to it (*and the offering will be valid even without mixing*); whereas, a flour-offering that is not fit for mixing (*where, the proportions of the mixture were less than a log for sixty esronim or where more than sixty esronim were placed in one pan*), the mixing is critical (*and the offering will not be valid*). [*Accordingly, here, it should be indispensable to the mitzvah, for he cannot recite the verses!?*]

The *Gemora* answers: He acts according to the ruling of Rabbi Yosi bar Chanina, who ruled that if a man harvested



his grapes and sent another man to bring them to Yerushalayim, and the person commissioned died on the way, he (*the owner*) brings them, but does not recite the verses, because we expound from a verse that the taking and the bringing must be performed by the same person.

Rav Acha the son of Rav Avya asked Rav Ashi: But it is merely the recital of verses; let him say them (*what is the harm*)?

He replied: One must not recite the verses because it would appear as if he is telling a lie.

Rabbi Mesharsheya the son of Rabbi Chiya said: It is because the fruit might mistakenly be excluded from the obligations of *terumah* and *ma'aser*. (81a – 82a)

## INSIGHTS TO THE DAF

### WHERE TO STOP AND START

The *Gemora* discusses the *mitzvah* of *bikkurim* (*the first ripe fruits which had to be brought to the Beis Hamikdosh in Yerushalayim*) and its recitation. When he brings the fruits to the Beis Hamikdosh to be given to the *Kohanim*, he recites several verses from Devarim. Rashi (Sotah 32a) writes that he says the verse beginning with *Arami oved avi*, *An Aramean tried to destroy my father* [Devarim 26:5], and he continues until the end of the passage.

In truth, however, he does not complete the entire passage. As a matter of fact, he stops in middle of verse 10, when he says *asher nasatah li Hashem, that You have given me, Hashem*. The Rambam in Hilchos Bikkurim states this explicitly.

The commentators ask that the last words of this recital conclude in middle of a verse and this is against the dictum of stopping in a place that Moshe did not stop. The *Gemora Brochos* (12b) rules that any place in the Torah

that Moshe Rabbeinu did not pause; we are forbidden to pause as well. How could they institute to stop the recital in middle of a verse?

Reb Yaakov Kaminetzky in his sefer *Emes L'Yaakov* in Parshas Ki Savo answers that this ruling does not apply by *mitzvos*, such as *bikkurim*. It is only a concern when verses are being recited because of Torah.

There are other examples where this principle may be applicable. The *Gemora* in Rosh Hashanah (31a) discusses the hymns that were recited by the Levites in the Beis Hamikdosh on Shabbos. The *Gemora* concludes that they would divide Parshas Haazinu into six segments, and one segment was recited each week by the *korban mussaf*.

The Turei Even asks from the aforementioned *Gemora* in *Brochos*. How were the Levi'im permitted to stop in places that Moshe did not stop? He answers that since they intended to complete it the next week, it is not regarded as interrupting the portion (*even though there will be different Leviim the next week*). According to Reb Yaakov, we can suggest that the hymns of the *Leviim* were not being sung as Torah; but rather, as a part of the *mitzvah* of the bringing of *korbanos*. They therefore were permitted to stop and start in the Torah, even in the middle of a passage.

Magan Avrohom (O"C 282) asks this question as well, inquiring into different verses from the Torah that we recite during tefillah which are incomplete. He also answers that we only apply the principle that one cannot interrupt in middle of a verse when one is engaged in Torah study or reading from the Torah. If, however, one is reciting verses for the purpose of prayer or *mitzvah* observance, there is no prohibition of interrupting in middle of a verse.

Rav Nosson Grossman states that perhaps through this principle, we can answer the Turei Even's question. The

Leviim are not reciting these pesukim as Torah, rather they are being said on account of *shirah*, song, and therefore it will not be subject to the prohibition of stopping in an incorrect place. However, it would seem evident that the Magen Avrohom will not concur with this, since he states that principle, and nevertheless, does not apply it to the Levi'im's shirah.

It would seem that many other Acharonim do not agree with this qualification of that rule. The *tefillah* which is recited when the *Sefer Torah* is raised in shul is a combination of two different verses. There are those who stop after saying, "*lifnei B'nei Yisroel*," for the next part (*al pi Hashem b'yad Moshe*) is not a complete verse. This reason is brought in the name of Reb Chaim Volozhiner. Once again, according to the qualification mentioned above, we could have explained that there is no concern during *tefillah*; it is only when we are reciting Torah for the sake of Torah where the dictum applies.

The Chasam Sofer in his Teshuvos (O" C 10) discusses why during *kiddush*, do we begin with the verse, *Va'yehi erev va'yehi boker*," when that is the middle of a verse in the Torah. He explains that the first part of the verse has a reference to "death," and we did not want that alluded to during *kiddush*. It is evident that the Chasam Sofer as well did not concur with this qualification.

## HALACHOS OF THE DAF

### ***Bringing Bikkurim and not Reciting***

*Bikkurim* are the first fruits (of the seven species), which ripen. One brought to them to the Bais Hamikdash, and part of the procedure was to recite a few verses of thanksgiving (*mentioned in Parshas Ki Savo*). However in certain instances, one would bring the *bikkurim*, but not recite the verses, since there are parts of those verses which do not apply to him.

- 1) Women, tumtum and androiganus – for they can't recite "I am bringing the first fruits of the land which you gave me", since only men received the land.
- 2) One who buys two trees within another's field – since we are unsure if the two trees entitle him to the ground as well, therefore, he brings *bikkurim* since it may well be that he has land, however he does not recite, because maybe he does not own land.
- 3) One who separated *bikkurim* and then sold his land – since he does not own land at the time of the recital. The buyer does not have to separate *bikkurim* again, however if he did, then he too, brings but does not recite. This only applies if he separated again from the same species, but if it was from a different species, then he does recite (*because in regard to this species it's the first fruits*).
- 4) One who buys a field for its fruits, meaning he's only entitled to the fruits, not the land – since he has does not own land.
- 5) One who separated *bikkurim* and then became dangerously ill, the one who will be his heir, brings and does not recite – since the one that separates must ideally bring it (*V'lakachta Uvasa*).
- 6) One who separated and then sent a shliach, even if the shliach dies and he himself ends up bringing it, he does not recite – since the one who separates it is supposed to bring it.
- 7) One who separated and then lost it before he reached Har Habayis, re-separates and does not recite – since it's not the first fruits.
- 8) One who brought *bikkurim* to the Azarah, and then it became tamei, does not recite.
- 9) One who brought *bikkurim* twice, the second time he does not recite, even if it's the first fruits of a different species.
- 10) One who brought *bikkurim* from Sukos to Chanukah, does not recite.