

20 Nissan 5777  
April 16, 2017



Bava Basra Daf 84

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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

Rav Chisda further stated: [If] one has sold to another what was worth six for five and the price fell to three, the seller, since he has been imposed upon, may retract, but not [so] the buyer; because [the seller] can say to him: If you had not imposed upon me you would have had no right to retract; can you have the right to retract now?

And the Tanna [of our Mishna, who taught that ‘if wheat was sold as] bad and it turned out to be good, the seller may retract,’ but not [inferentially] the buyer, confirms [this statement].

The Gemora asks: What does he come to teach us? [Surely] this [statement of his may be inferred from] our Mishna!

The Gemora answers: If [it had to be inferred] from our Mishna, it could have been said that [in the cases dealt with in the statement] of Rav Chisda, both may perhaps retract; and [that the first clause of] our Mishna comes to teach us that the buyer may retract; for [without this Mishna] it might have been said that [he cannot], because it is written: ‘It is bad, it is bad’, said the buyer.

The Mishna had stated: [If one has sold wheat as] dark-colored and it turned out to be white, etc.

Rav Pappa said: Since white is given [as the contrast of the other color] it may be inferred that the sun is dark-red. This can be proved [from the fact] that the sun is red at sunrise and at sunset. The reason why we do not see it [red] all day, is [because] our eyesight is not strong [enough].

An objection was raised: And the appearance of it is deeper than the skin, [that means], like the appearance of sunlight [which is] deeper than the shadow. Surely there [the appearance] was white, [how, then, could the sun be said to be red]?

The Gemora answers: Like the appearance of the sun [in one respect], and not like the appearance of the sun [in another respect]. Like the appearance of the sun, [in] that it is deeper than the shadow; and not like the appearance of the sun [in another respect], for there, it is white and here it is red.

The Gemora asks: But according to our previous assumption, isn’t the sun red at sunrise and at sunset?

The Gemora answers: [It is red] at sunrise, because it passes by the roses of the Garden of Eden; at sunset, because it passes the gate of Gehinnom. Others reverse [the answer].



The Mishna had stated: [If liquid has been sold as] wine, and it turned out to be vinegar . . . both may retract.

The Gemora asks: Must it be said that our Mishna is [in agreement with] Rebbe and not [with] the Rabbis? For it has been taught: Wine and vinegar are the same in kind. Rebbe says: [They are regarded as] two [different] kinds.

The Gemora answers: It may be said [to be in agreement] even [with] the Rabbis. They dispute with Rebbe only in the case of ma'aser and terumah [for they are of the same opinion as] Rabbi Ilai. For Rabbi Ilai said:

From where [is it inferred] that, if one separates terumah from an inferior quality for the [redemption of] a superior quality, his offering is valid, for it is said: And you shall bear no sin by reason of it, seeing that you have set apart from it the best of it, [but, it is to be inferred, if you do not set apart from the best, but of the worst, you shall bear sin]; if, [however, the inferior quality] does not become consecrated, why [should there be any] bearing of sin? Hence [it may be inferred] that if one separates terumah from an inferior quality for [the redemption of] a superior quality, his offering is valid. As regards commercial transactions, however, all [are of the opinion that wine and vinegar are not of the same kind] because someone may like wine and not vinegar while another may like vinegar and not wine.

The Mishna states: If one has sold produce to another [and the buyer] has pulled [them], though they have not [yet] been measured, ownership is acquired. [If however] they have been measured but

[the buyer] has not pulled [them], ownership is not acquired. If [the buyer] is prudent, he rents the place where they are kept. If one buys flax from another, he does not acquire ownership until he moves it from place to place. And if it was attached to the ground and he plucked [of it] any quantity, he acquires ownership.

Rabbi Assi said in the name of Rabbi Yochanan: [If the buyer] has measured [with the seller's instruments] and has put [them] in an alley, he acquires possession.

Rabbi Zeira said to Rabbi Assi: Is it not possible that my master has heard [this statement] only in [the case where the buyer] has measured into his [own] basket?

He replied to him: This young Rabbi seems to think that people do not correctly memorize what they hear. [If the buyer had] measured it into his [own] basket, would there have been any need to tell [that ownership is acquired]?

The Gemora asks: Did he accept it from him or not?

Come and hear what Rabbi Yannai said in the name of Rebbe: [In the case of] a courtyard in partnership, [the partners] may acquire possession [of objects they buy] from one another. Does this not [refer to the case where the objects bought lie] on the [bare] ground?

The Gemora disagrees: No; [this refers to the case when they were put] into his basket.



This can also be supported by argument. For Rabbi Yaakov said in the name of Rabbi Yochanan: [If the buyer] measures and puts [them] in an alley, he does not acquire possession. Aren't these contradictory? But surely it must be concluded [that] one [case refers to one] who measures into his basket, the other [case, to one] who measures upon the [bare] ground. This is indeed conclusive.

Come and hear: [If however] they have been measured but [the buyer] has not pulled [them], ownership is not acquired. Doesn't this refer to an alley!

No; [this refers] to a public domain.

The Gemora asks: If so, explain the first clause: [If he] has pulled [them] though they have not [yet] been measured, ownership is acquired. Does 'pulling' acquire possession in a public domain? Surely both Abaye and Rava have stated: Mesirah (handing over) confers legal ownership in a public domain or in a yard which belongs to neither of them. Meshichah (pulling) confers ownership in an alley or in a yard owned by both of them; and 'lifting' confers ownership everywhere.

The Gemora answers: 'Pulling' mentioned [in our Mishna] also means from a public domain to an alley.

The Gemora asks: If so, explain the next clause of our Mishna: If [the buyer] is prudent, he rents the place where they are kept. [Now], if [the object is] in a public domain, from whom could he hire?

The Gemora answers: This is what [the Mishna] means: And if [the object] is in the domain of the owner, if [the buyer] is prudent, he rents the place where they are kept.