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Bava Basra Daf 105

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Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

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

[The previous Mishna ruled: If one says to his fellow, “A beis kor of soil I am selling to you, as measured by the rope,” if he decreased a little bit (from the amount), he deducts (from the price, but the sale is still valid, for with regard to land, we assume that the buyer still wants the sale). If he added a little bit, the buyer gives it back. If he said, “A beis kor of soil I am selling to you, whether less or more,” even if he decreased a quarter (of a kav per) se’ah or added a quarter (of a kav per) se’ah, the deal is valid.

Our Mishna discusses a case where he states both declarations – one contradicting the other.]

The *Mishna* states: If one says to his fellow, “Measurement by the rope (a specific amount) I am selling you, whether less or more,” (his second statement) “whether less or more” nullifies (his first statement of) “the measurement by the rope.” If he said, “Whether less or more, measurement by the rope,” (his second statement) “measurement by the rope” nullifies (his first statement of) “whether less or more.” These are the words of Ben Nanas. [*The Rashbam explains that since the second statement was said immediately after the first one, we assume that his true intention is the second one and he is retracting from his first statement.*] (104b – 105a)

Contradictory Statements

Rabbi Abba bar Mamal said in the name of Rav: The friends of Ben Nanas disagree with him (and maintain that the matter is uncertain as to the seller’s true intention; we therefore divide the extra land between them).

The *Gemora* asks: What is Rav coming to teach us? We know that they dispute Ben Nanas from the following *Mishna* (Bava Metzia 102a): It once happened in Tzippori that a person rented a bathhouse from his fellow for twelve gold dinars a year, one gold *dinar* a month. The case came before Rabban Shimon ben Gamliel and before Rabbi Yosi, and they said: They shall divide the intercalated month. [*The Gemora there explains the case as follows: If the landlord said, “I am renting it to you for twelve gold dinars a year, one gold dinar a month” (and it became a leap year), the extra month is divided between them (for we do not know if we should follow his initial words, or his concluding words; we therefore rule like Sumchos - and we split the money).*]

The *Gemora* answers: If it was only from there, I might have thought that he is retracting, or that the second term is explaining the first; however here, where he is definitely retracting, perhaps they all agree that we follow his second

statement. Therefore we are informed otherwise (*by this teaching of Rav*).

Rav Yehudah said in the name of Shmuel: This (*that we follow his second statement*) is the ruling of Ben Nanas, but the *Chachamim* say that we follow the statement which confers the least advantage (*upon the buyer*). [*If the land sold is more than the amount stipulated, the statement, "measured by the rope" is followed and the buyer must return the extra. If the sold land, however, is less than the amount stipulated, the statement, "more or less" is followed and the seller is not required to make up the difference. The seller always has the advantage being that he was the original possessor of the land.*]

The *Gemora* notes: "This" (*when Shmuel said "This is the ruling of Ben Nanas"*) would imply that Shmuel himself does not hold like Ben Nanas (*that we follow his second statement*).

The *Gemora* asks: But did we not learn that both Rav and Shmuel said: If a seller says to a buyer, "I am selling you a *kor* (*thirty se'ah*) for thirty *sela'im*," he can retract even at the last *se'ah* (*for he said, "I am selling you a kor," not thirty se'ah*). But if he says, "I am selling you a *kor* for thirty (*sela'im*), a *sela* per *se'ah*, then as the buyer takes each *se'ah* (*and makes a kinyan*), he acquires it (*and the seller cannot renege on the deal*)!?! [Evidently, Shmuel maintains that we do follow a person's last expression – just like Ben Nanas!?!]

The *Gemora* answers: Rather, Shmuel said "this" and he does hold in accordance with Ben Nanas.

The *Gemora* asks: But does Shmuel actually hold like that? Surely Shmuel said (*to explain why the Mishna ruled that we divide the extra month*): We refer to a case where the landlord came to claim the rent in the middle of the thirteenth month. [*Shmuel agrees that the ruling is based upon the uncertainty if we should follow his initial words, or his concluding words; the principle of the *chezkas mamon* - who is currently in possession of the money - decides the case. If he comes in the middle, the renter is not required to pay for the past days, for he is in possession of his money. The landlord, however, has possession of the property, and can therefore demand that he pays for the next half of the month, or he should leave.*] If he would have come at the beginning, the entire month's rent would belong to the landlord. If he would have come at the end, it would belong to the tenant. [*Does not this prove that Shmuel disagrees with Ben Nanas?*]

The *Gemora* answers: Rather, Shmuel said "this" and he does not hold in accordance with Ben Nanas. The reason there (*by the bathhouse - although Shmuel is indeed uncertain as to which expression to follow*) is because each of them has taken possession (*of half the month*), here also, he (*the buyer*) has taken possession (*and it cannot be taken away from him on account of a doubt*).

Rav Huna said in the name of the *Beis Medrash* of Rav: If the agreed price is an *istera* (*which is half a dinar; equivalent to ninety-six perutos*), a hundred *ma'os* (*a hundred perutos*), then, the buyer must pay a hundred *ma'os*. If, however, the seller says, "A hundred *ma'os*, an *istera* is the price," an *istera* must be paid!?! [Obviously, Rav maintains that we follow his second expression.]

The *Gemora* asks: What novelty is Rav teaching us? Is he teaching us that the last expression alone is regarded? But



Rav has already said that once! For Rav said: If I would have been there, I would have given the entire month to the landlord.

The *Gemora* answers: If it was only from there, I might have thought that the second term is explaining the first (*the landlord said that it is a dinar per month, and this way he would be able to collect another dinar for the thirteenth month*); therefore we are informed otherwise (*by this teaching of Rav that he agrees to Ben Nanas that we follow his second expression*). (105a – 105b)

DAILY MASHAL

Daf Yomi was the Impetus

A couple from Givatayim was invited by some newly observant friends to join them in a weekend seminar sponsored by an organization for disseminating the Torah to all circles of Jewish society. The wife was profoundly impressed by the lectures and discussions and began to adopt a traditional Jewish lifestyle while her kind-hearted husband aided her as far as he could, though without changing his ways or basic approach to life. The summer passed and so the winter. Their kitchen was koshered by an energetic team of volunteers and their home started to assume an authentic atmosphere with Shabbos candles, kiddush – performed by the wife, and other savors and qualities characteristic of Jewish families. The husband consented to hear kiddush and continued to help in more ways but still refused to take any step or even listen to anything in the direction of a commitment to genuine Judaism. Nearly two years ago, during Chol HaMoed Sukkos, his wife said she wanted to visit a certain religious family that had greatly helped her to adapt to her new way and her husband, always cooperative, acceded to go along.

The couple was enjoying the visit in the sukkah when their

host suddenly examined his watch and, apologizing, explained that he had to attend his daily Daf HaYomi lesson. Like many other participants, he refused to forego his *shi'ur* even on a holiday – be it Purim, Yom Kippur or the evening following Tish"ah B"Av. "If you'd like to join me", he said, "I'd be delighted. Come hear an interesting session!"

The guest immediately agreed: cultured and educated, he regarded a lesson in the Babylonian Talmud as an interesting intellectual challenge that could broaden his horizons and introduce him to another perspective on Jewish spiritual life in general and the major preoccupation of the Orthodox in particular. And so they went to the *shi'ur*, sitting next each other while the guest harkened quietly, concentrating on the lecturer's every word. "It was charming," he remarked on their way back to the sukkah. The next afternoon the Daf HaYomi group again met at the same synagogue and the regulars had already arrived when, to the previous day's host's surprise, the door opened wide and the guest from Givatayim swiftly approached, assumed his place and joined in with rapt attention.

Our friend from Givatayim is now observant and relates to every mitzvah, easy or hard, with equal sincerity and dedication. "I just want to tell you", he habitually asserts, "that you, the Daf HaYomi learners, simply saved me – by the merit of your diligence, without which my host would not have persuaded me to come along, and by the merit of the Gemara lesson I then heard and the light of the Torah turned me onto the right path."