

Bava Basra – Simanim

פרק ב – לא יחפור

דף 22 – כב

1. Allowance for **רוכלין** from another town to sell cosmetics

On the previous Daf, Rav Huna brei d'Rav Yehoshua said that tradesmen of a town can prevent tradesmen from elsewhere from offering services in their town. Rav Nachman bar Yitzchak says that he agrees regarding **בעיירות המחזירין** – *peddlers who go from town to town* selling cosmetics, **דלא מצי מעכב** – *that the [merchant] of that town cannot stop them*, because Ezra decreed that peddlers should go from town to town to sell cosmetics, **כדי שיהו תכשיטין מצויין לבנות ישראל** – *so that cosmetics would be available to the daughters of Yisroel*. However, this dispensation was only **להדורי** – *to go around* selling his wares and then leave, **אבל לאקבועי לא** – *but not to permanently set up [shop]*. Still, if the peddler is a **מרבא** – *Rabbinical student*, he is even allowed to permanently set up shop, as we find that Rava made such allowances, **דלא כהילכתא** – *not like the ordinary law*. Since they are Rabbinical students, **אתו מגירסייהו** – *they may be distracted from their learning* if they would have to go around to sell cosmetics.

2. **דוושא** (foot traffic between walls)

The next Mishnah states: **מי שהיה כותלו סמוך לכותל חבירו** – *One whose wall was near his neighbor's wall* **א"כ הרחיק ממנו ארבע** – *may not place another wall near [the neighbor's wall]*, **לא יסמוך לו כותל אחר** – *unless he distances it four amos from [the neighbor's wall]*. The Mishnah implies that there was previously a wall near his neighbor's wall, which later fell, and he is rebuilding. The Gemara wonders: **וקמא היכי סמיך** – *But how did he put the first [wall] nearby*, and only must distance the second wall? After rejecting the first answer, Rava says the Mishnah's case is where the first wall was originally **סמוך לכותל** – *near* his neighbor's wall, **אמור ברבא ארבע** – *at a distance of four amos*, and after it fell, he cannot build a second wall closer than those four *amos*. The reason is: **דהכא מעלי להתם** – *the treading* (i.e., people walking) **הנה** (between the walls) **הנה** (to the ground under his wall), by strengthening the ground underneath. The Gemara adds that this does not apply to the wall of a *chatzeir* in an old city, where the ground has already been hardened from people walking over the years.

3. Distancing a ladder from a dovecote

The next Mishnah states: **מרחיקין את הסולם מן השוכר ארבע אמות** – *One must distance a ladder four amos from a neighbor's dovecote*, **כדי שלא תקפוץ הנמייה** – *so that a marten should not jump from the ladder into the dovecote*. The Gemara asks if the Mishnah disagrees with Rebbe Yose, who said (regarding planting a tree near a neighbor's pit): **זה חופר בתוך שלו וזה נוטע בתוך שלו** – *this one can dig in his property, and that one can plant a tree in his property* and is not required to prevent his roots from damaging the neighbor's pit. Similarly, Rebbe Yose would presumably allow leaving a ladder near his neighbor's dovecote. The Gemara responds that Rebbe Yose may agree here, because Rav Ashi said: **מודי** – *Rebbe Yose agrees regarding "his arrows"* (i.e., direct damage), and here, too, it is possible that a marten will jump onto the ladder as he is placing it. However, the Gemara protests that it is still only **גרמא** – *causative damage* (i.e., indirect), for which one is not liable!? Rav Tuvia bar Masna said: **זאת אומרת גרמא בניזקין אסור** – *this [Mishnah] teaches that causative damage is forbidden*, although exempt from paying.

Siman – Cab

After the **travelling cosmetic salesman** took a cab to a town, where he **set up a shop** since he was a **מרבא**, **in the space between two walls so his customers would tread the ground strengthening it, he made sure his ladder** displaying his cosmetics **was at least four amos away from a nearby dovecote, because גרמא בניזקין אסור** although he is *patur* from paying.

דף כב | DAF 22

Cab



After the traveling cosmetic salesman took his cab to a town, where he set up shop since he was a **צורבא דרבנן**, in the space between two walls so his customers would tread the ground strengthening it, he made sure his ladder displaying his cosmetics was at least for **amos** away from a nearby dovecote, because it is **אסור** to cause damage even though **גרמא** is **פטור**.

3 things to remember

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2. **דוושא** (foot traffic between walls)
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