

Bava Basra – Simanim

דף יח – Daf 18

פרק ב – לא יחפור

1. Opening a bakery, etc., under someone's storeroom

The Gemara poses numerous challenges to Rava, who prohibits digging a pit near a neighbor's boundary even if his neighbor does not have a pit, including from a Mishnah which states: לא יפתח אדם חנות של נחתומין ושל – *a person may not open a bakery or dye shop* under his neighbor's storeroom, because the smoke will damage his produce. He also may not open a barn under the storeroom, because the odor is harmful to the produce. The Mishnah implies that it is only prohibited to open a bakery, etc., under an existing storeroom, *הא ליכא אוצר עביד – but if there is no storeroom, he may open a bakery, etc.!*? The Gemara answers: *one's residence is different*. Since bakeries, etc., are part of a person's normal residence, Rava agrees that people are not prevented from opening them unless there is a risk of damage already present.

2. *Machlokes* about **חרדל** near **דבורים**

Rava is challenged from another Mishnah teaching that one must distance a pool of soaking flax from his neighbor's vegetables, leeks from his neighbor's onions, *ואת החרדל מן הדבורים – and mustard plants from his neighbor's bees* (when bees eat the mustard plants, it sharpens their mouths, causing them to consume the honey in their hives). Rebbe Yose permits placing mustard plants near one's border, because he can tell the bees' owner: *עד שאתה אומר לי הרחק חרדלך מן דבוראי – before you tell me, "Distance your mustard plants from my bees,"* *הרחק דבורך מן חרדלאי – distance your bees from my mustard plants,* *שבאות ואוכלות לגלוגי – because they come and eat my mustard blossoms!* Since your mustard is as harmful to my property as my mustard plants are to yours, I am not required to distance my mustard plants. [Later, the Gemara explains that the Rabbonon respond that bees cannot find the mustard seeds, and the leaves which they do eat grow back] The Gemara asks, since both bees and mustard plants are harmful, how does the case arise in which a harmful element was placed near the boundary according to Rava!? Rav Pappa answers: *בלוקה – the case is with a buyer, i.e., where someone planted mustard inside his field, and sold part of his field near his plants to someone else, who wanted to place a beehive near the boundary.*

3. The Rabbonon hold **על המזיק להרחיק את עצמו**, even where the **מזיק** was placed legally

The Gemara objects to Rav Pappa's answer that the Mishnah's case is where the harmful item was placed legally, for then why would the Rabbonon require him to move it? Furthermore, even Rebbe Yose only argues regarding mustard seeds, but appears to agree that the flax pool must be moved away from the vegetables (as well as the second case)!? Ravina answers that the Rabbonon hold: *על המזיק להרחיק את עצמו – it is incumbent upon the owner of the hazard to distance [it] from the victim, even where the מזיק was originally placed legally (while the whole property was his).* The Gemara proves that Rebbe Yose holds it is the ניזק's responsibility to distance himself from the מזיק, and so he cannot agree to the Rabbonon in the first two cases that the מזיק must move his hazardous item. It concludes that Rebbe Yose's statement is *לדבריהם דרבנן – according to the Rabbonon's opinion.* Thus, he was saying that although he personally holds the מזיק never has to move away, but even according to the Rabbonon that the מזיק must distance himself, they should agree that the mustard owner should not, since the bees harm his plants as well. They disagree with this assertion.

Siman – Chuppah

When the chuppah being held in the storeroom was disturbed by the smoke from the bakery illegally placed downstairs, and the mustard for the wedding seudah was eaten by bees owned by a man who just bought a piece of land for his beehive, the Rabbonim came along and proclaimed, **“על המזיק להרחיק את עצמו.”**



When the chuppah being held in the large storeroom was disturbed by the smoke from the bakery illegally placed downstairs, and the mustard for the wedding seudah was eaten by bees owned by a man who just bought a piece of land for his beehive, the Rabbonon came a long and proclaimed על המזיק להרחיק את עצמו.

3 things to remember

1. Opening a bakery, etc., under someone's storeroom
2. *Machlokes* about חרדל near דבורים
3. The Rabbonon hold על המזיק להרחיק את עצמו, even where the מזיק was placed legally

