

Bava Basra – Simanim

דף 86 – פו

פרק ה – המוכר את הספינה

1. Objects which are normally lifted are only acquired with **הגבהה**, not **משיכה**

A Mishnah teaches that land is acquired with money, a שטר, or *chazakah*, but regarding מטלטלין, במשיכה, אלא אין נקנין – *they are only acquired through pulling* (either into one's own property, a shared property, or a סימטא). The Gemara says this only applies to objects which are not normally lifted, אבל – *but objects which are normally lifted, through lifting they can be acquired, לא – but through pulling, they cannot be acquired.* Although הגבהה acquires for all items, including those which are not normally lifted, משיכה only acquires items which are normally pulled. Several challenges are posed to this principle, which are deflected.

2. Methods of acquiring various animals

This principle is challenged from a Mishnah which states: בהמה גסה נקנית במסירה – *a large animal is acquired through “handing over”* (its reins or mane), והדקה בהגבהה – *and a small animal is acquired through lifting it*, according to Rebbe Meir and Rebbe Shimon ben Elazar. The Chochomim say: בהמה דקה במשיכה – *a small animal is acquired through pulling it.* This proves that although a small animal is normally lifted, it can still be acquired with משיכה!?! The Gemara answers: שאני בהמה דסרכא – *an animal is different, because it clutches the ground and is not easily lifted*, so the Chochomim say it can be acquired with משיכה.

3. A sale of כור בשלשים vs. a sale of כור בסלע

Rav and Shmuel said: כור בשלשים אני מוכר לך – *if a seller says, “I am selling you a kor (thirty סאה) for thirty [selaim],”* יכול לחזור בו אפילו בסאה האחרונה – *he can retract from the sale even while the final סאה was being measured.* Because the agreed volume of sale was a full כור, the buyer does not acquire anything until the entire amount is given to him. However, if he said: כור בשלשים סאה בסלע אני מוכר לך – *“I am selling you a kor for thirty [selaim], a סאה per sela,”* קנה – *[the buyer] acquires [each סאה] one by one*, because each סאה is a full unit of sale. This is challenged from the Baraisa on Daf 85a, which taught (in the third category) that if the מדה – *measuring utensil* belongs to the buyer, he acquires what is put in it bit by bit, ואף על גב דלא נתמלאה המדה – *even though the measuring utensil was not filled* (and thus the measuring unit is incomplete)!? The Gemara answers that the case is where the seller said (for example), “I am selling you a הין (לוג) for twelve selaim, each לוג for a sela,” and although the הין-measuring utensil was not filled, שנתות היו במדות – *there were markings in the measuring utensils* indicating each לוג.

Siman – Police

The police officer who was giving a ticket for improper *kinyanim*, for an item that was dragged when it should have been lifted, gave a pass to the man dragging the sheep that dug its heels into the ground, while a colleague went to buy thirty donuts for thirty dollars, knowing he can retract until the very last one was in the box.



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3 things to remember

1. Objects which are normally lifted are only acquired with הגבה, not משיכה
2. Chochomim hold that a דקה בהמה can be acquired with משיכה
3. A sale of כור בשלשים vs. a sale of כור בשלשים סאה בסלע

