

Beginnings and Endings: A Story Narrated by the “Bavot” Mishnayot

What are the overarching framings of the Bavot? How do they relate to each other? What does the transition to Sanhedrin entail?

Comments for the Siyum Bava Batra in Yerushalayim, 18/12/24

Questions? Comments? Email dinanddaf@gmail.com

משנה בבא קמא י:
מוכין שהפוכס מוציא, הרי אלו שלו. ושהסורק מוציא, הרי אלו של בעל הבית. הפוכס נוטל שלשה חוטין והן שלו. יתר מכן, הרי אלו של בעל הבית. אם היה השחור על גבי הלבן, נוטל את הכל והן שלו. החיט ששיר מן החוט כדי לתפר בו, ומטלית שהיא שלש על שלש, הרי אלו של בעל הבית. מה שהחרש מוציא במעצד, הרי אלו שלו, ובכשיל, של בעל הבית. ואם היה עושה אצל בעל הבית, אף הנסרת של בעל הבית:

Strands of wool that the launderer removes from the garment are theirs, but strands that the carder, i.e., one who prepares wool for use as a textile, removes belong to the customer, (since the carder often removes a significant number of strands). A launderer takes three threads and they are theirs, but additional threads belong to the customer. If these were black threads on a white garment, the laundered takes all of them and they are theirs. If a tailor left enough thread attached to the cloth that it could be used to sew with it, or if there was a patch of cloth that is three by three fingerbreadths left from the cloth given to the tailor by the customer, these items belong to the customer. That which a carpenter removes with an adze belongs to the carpenter (i.e., only small shavings of wood); but what the carpenter removes with an ax belongs to the customer. And if the carpenter was working in the domain of the customer, then even the sawdust belongs to the customer.

משנה בבא קמא א:
ארבעה אבות נזיקין, השור והבור והמבעה וההבוער. לא הרי השור כהרי המבעה, ולא הרי המבעה כהרי השור. ולא זה וזה, שיש בהן רוח חיים, כהרי האש, שאין בו רוח חיים. ולא זה וזה, שדרךן לילך ולהזיק, כהרי הבור, שאין דרכו לילך ולהזיק. הצד השונה שבהן, שדרךן להזיק ושמירתן עליה. וכשהזיק, חב המזיק לשלם תשלומי נזק במיטב הארץ:

There are four primary categories of damage: Ox; and Pit; and the *Maveh*, (either to the tooth of an animal that causes damage or to a person who causes damage); and Fire. Ox is not similar to *Maveh*, and *Maveh* is not similar to Ox. And this category of Ox and that category of *Maveh*, in which there is a living spirit are not similar to Fire, in which there is no living spirit. And this category of Ox and *Maveh* and that category of Fire, in which the typical manner of their components is to proceed and cause damage, are not similar to Pit, in which the typical manner of its components is not to proceed from one place to another and damage. The common denominator of these is that it is their typical manner to cause damage, and their safeguarding to prevent them from causing damage is incumbent upon you, the owner of the animal or generator of the fire or the pit. And when a component of any of these categories causes damage, the owner or generator of the component that caused the damage is obligated to pay restitution for damage with best-quality land.

משנה בבא מציעא י"ו

שְׁתֵּי גִנוֹת זוֹ עַל גִּב זוֹ וְהִירָק בֵּינֵיהֶם, רַבִּי מֵאִיר אָמַר, שֶׁל עֲלִיּוֹן. רַבִּי יְהוּדָה אָמַר, שֶׁל תַּחְתּוֹן. אָמַר רַבִּי מֵאִיר, אִם יִרְצֶה הָעֲלִיּוֹן לִקַּח אֶת עֶפְרוֹ אֵין כָּאֵן יֵרֶק. אָמַר רַבִּי יְהוּדָה, אִם יִרְצֶה הַתַּחְתּוֹן לִמְלֹאוֹת אֶת גִּנְתּוֹ אֵין כָּאֵן יֵרֶק. אָמַר רַבִּי מֵאִיר, מֵאַחֵר שֶׁשְּׁנֵיהֶן יְכוּלִין לִמְחוֹת זֶה עַל זֶה, רוֹאִין מֵהֵיכָן יֵרֶק זֶה חֵי. אָמַר רַבִּי שְׁמַעוֹן, כֹּל שֶׁהָעֲלִיּוֹן יְכוּל לִפְשֹׁט אֶת יָדוֹ וְלִטֹּל, הֵרִי הוּא שְׁלוֹ, וְהַשָּׂאֵר שֶׁל תַּחְתּוֹן:

Two gardens that were located one above the other, i.e., a garden on a plateau that borders another garden below, and vegetables grew in-between, out of the wall of soil resulting from the difference in height between the two gardens, Rabbi Meir says: These vegetables belong to the owner of the upper garden. Rabbi Yehuda says: They belong to the owner of the lower one. Rabbi Meir said: If the owner of the upper garden would want to dig and take the dirt, no vegetables would grow here, as that wall made of soil would not exist. Rabbi Yehuda said: If the owner of the lower garden would want to fill the garden with dirt and does so, thereby raising its level, no vegetables would grow here, as that wall made of soil would not exist. Rabbi Meir said: Since the two of them can object to each other, as they each have the ability to prevent the vegetable growth: the court considers from where this vegetable lives and derives nourishment, whether from above or from below. Rabbi Shimon said: Any vegetables that the owner of the upper garden can stretch out their hand and take, those vegetables are theirs, and the rest belong to the owner of the lower garden.

משנה בבא מציעא א"א

שְׁנַיִם אוֹחֲזִין בְּטִלִית, זֶה אָמַר אֲנִי מִצְאָתִיהָ וְזֶה אָמַר אֲנִי מִצְאָתִיהָ, זֶה אָמַר כָּלָה שְׁלִי, זֶה יֹשֵׁבֵעַ שְׁאִין לוֹ בֶּה פְּחוֹת מִחֲצִיָּה, וַיִּחְלְקוּ. זֶה אָמַר כָּלָה שְׁלִי וְזֶה אָמַר חֲצִיָּה שְׁלִי, הָאֹמֵר כָּלָה שְׁלִי, יֹשֵׁבֵעַ שְׁאִין לוֹ בֶּה פְּחוֹת מִשְׁלֹשָׁה חֲלָקִים, וְהָאֹמֵר חֲצִיָּה שְׁלִי, יֹשֵׁבֵעַ שְׁאִין לוֹ בֶּה פְּחוֹת מִרְבִּיעַ. זֶה נוֹטֵל שְׁלֹשָׁה חֲלָקִים, וְזֶה נוֹטֵל רְבִיעֶ:

Two people holding a garment: this says: I found it, and that says: I found it; this says: All of it is mine, and that says: All of it is mine: This one takes an oath that s/he does not have ownership of less than half of it, and that one takes an oath that s/he does not have ownership of less than half of it, and they divide it. If this one says: All of it is mine, and that one says: Half of it is mine, the one who says: All of it is mine, takes an oath that s/he does not have ownership of less than three parts, i.e., three-fourths, of it, and the one who says: Half of it is mine, takes an oath that s/he does not have ownership of less than one-quarter of it. This one takes three parts, and that one takes one-quarter.



משנה בבא בתרא י"ח

המלוה את חבירו בשטר, גובה מנכסים משעבדים. על ידי עדים, גובה מנכסים בני חורין. הוציא עליו כתב ידו שהוא חייב לו, גובה מנכסים בני חורין. ערב היוצא לאחר חתום שטרות, גובה מנכסים בני חורין. מעשה בא לפני רבי ישמעאל ואמר, גובה מנכסים בני חורין. אמר לו בן ננס, אינו גובה לא מנכסים משעבדים ולא מנכסים בני חורין. אמר לו, למה. אמר לו, הרי החונק את אחד בשוק ומצאו חבירו ואמר לו הנח לו, פטור, שלא על אמונתו הלווהו. אלא איזהו ערב שהוא חייב, הלווה ואני נותן לך, חייב, שכן על אמונתו הלווהו. אמר רבי ישמעאל, הרוצה שיחכים, יעסוק בדיני ממונות, שאין לך מקצוע בתורה גדול מהן, שהן כמעין הנובע. והרוצה שיעסוק בדיני ממונות, ישמש את שמעון בן ננס:

One who lends money to another by means of a promissory note can collect the debt from liened property. One who lends money by means of witnesses, without recording the loan in a promissory note, can collect the debt only from unsold property. If one presents to a debtor a document in the handwriting of the debtor stating that s/he owes money to the creditor, but without witnesses signed on the document, the creditor can collect only from unsold property. If a guarantor emerged after the signing of the promissory note, the creditor can collect only from unsold property of the guarantor. An incident occurred where such a case came before Rabbi Yishmael, and he said: The creditor can collect from unsold property of the guarantor, but not from liened property. Ben Nannas said to Rabbi Yishmael: The creditor cannot collect the sum from the guarantor, not from liened property nor from unsold property. Rabbi Yishmael said to him: Why not? Ben Nannas said to him: If one was strangling another in the marketplace, demanding repayment, and a third person said to the attacker: Leave them alone and I will give you the money owed, the person who intervened is exempt from paying, as the creditor did not loan the money based on trusting the one who intervened. Rather, who is a guarantor who is obligated to repay the loan? One who tells the creditor before the loan takes place: Lend

משנה בבא בתרא א"א

השתפין שרצו לעשות מחצה בחצר, בונין את הכתל באמצע. מקום שנהגו לבנות גויל, גזית, כפיסין, לבנים, בונים, הכל כמנהג המדינה. בגויל, זה נותן שלשה טפחים, וזה נותן שלשה טפחים. בגזית, זה נותן טפחים ומחצה, וזה נותן טפחים ומחצה. בכפיסין, זה נותן טפחים, וזה נותן טפחים. בלבנים, זה נותן טפח ומחצה, וזה נותן טפח ומחצה. לפיכך אם נפל הכתל, המקום והאבנים של שניהם:

Partners who wished to make a partition in a jointly owned courtyard build the in the middle: where it is customary to build such a wall with non-chiseled stone [*gevil*], or chiseled stone [*gazit*], or small bricks [*kefisim*], or large bricks [*leveinim*], they must build the wall with that material. Everything is in accordance with the regional custom. If they build the wall with non-chiseled stone, this partner provides three handbreadths and that partner provides three handbreadths. If they build the wall with chiseled stone, this partner provides two and a half handbreadths and that partner provides two and a half handbreadths. If they build the wall with small bricks, this one provides two handbreadths and that one provides two handbreadths. If they build with large bricks, this one provides one and a half handbreadths and that one provides one and a half handbreadths. Therefore, if the wall later falls, the assumption is that the space where the wall stood and the stones belong to both of them, to be divided equally.

money to this person, and I will give you the repayment: there, the creditor did loan the money based on trusting of the guarantor. And Rabbi Yishmael thereupon said: One who wants to become wise should engage in the study of monetary law, as there is no greater discipline in the Torah, and it is like a flowing spring. And, one who wants to engage in the study of monetary law should become a disciple of Shimon ben Nannas.

משנה סנהדרין יא:

המתנבא בשם עבודה זרה ואומר, כה אמרה עבודה זרה, אפלו כהן את ההלכה, לטמא את הטמא ולטהר את הטהור. הבא על אשת איש, כיון שנכנסה לרשות הבעל לנשואין אף על פי שלא נבעלה, הבא עליה הרי זה בחנק. וזוממי בת כהן ובוועלה, שכל הזוממין מקדימין לאותה מיתה, חוץ מזוממי בת כהן ובוועלה:

One who prophesies in the name of idol worship and says: This is what the idol said, even if it approximated the correct *halakha* in the name of the idol to deem ritually impure that which is ritually impure and to deem ritually pure that which is ritually pure, is executed by strangulation.

One who sleeps with a married woman once she entered her husband's domain for the purposes of marriage, even if the marriage was not yet consummated, one who engages in intercourse with her is executed by strangulation.

And conspiring witnesses who testified that the daughter of a priest committed adultery are executed by strangulation, and her paramour is also executed by strangulation: as all those who are rendered conspiring witnesses are led to their deaths via the same mode of execution with which they conspired to have their victim executed, except for conspiring witnesses who testified that the daughter of a priest and her paramour committed adultery. In that case, although the priest's daughter who commits adultery is executed by burning, the conspiring witnesses who sought to have her executed are executed by strangulation, as is the paramour whom they also conspired to have executed.

משנה סנהדרין א:

דיני ממונות, בשלשה. גזלות וחבלות, בשלשה. נזק וחצי נזק, תשלומי כפל ותשלומי ארבעה וחמשה, בשלשה. האונס והמפתה והמוציא שם רע, בשלשה, דברי רבי מאיר. וחכמים אומרים, מוציא שם רע, בעשרים ושלשה, מפני שיש בו דיני נפשות:

Cases concerning monetary law are adjudicated by three judges. Cases concerning robbery and personal injury are adjudicated by three judges. Cases concerning damage or half the damage, payment of double the principal by a thief, payment of four or five times the principal by a thief are all adjudicated by three judges. Cases concerning a rapist, a seducer, or a defamer are adjudicated by three judges; this is the statement of Rabbi Meir. And the Rabbis say: Cases concerning a defamer are adjudicated by a court of twenty-three judges, which is the type of court authorized to judge cases of capital law, because this case includes the possibility of becoming a case of capital law.

