



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Mem Hey

- The Gemara earlier brought the statement of **Ravin bar Shmuel in the name of Shmuel**, that if a seller sells a field without achrayus, he may not testify regarding that field, because as long as his buyer is in possession of the field, the seller's creditor can collect from that field to satisfy a loan.
 - **Q:** What is the case? If the borrower has other land, then the creditor anyway can't go after the land that was sold. If the borrower has no other land, the creditor anyway can't come after the borrower, so in either case he should be considered as impartial!?
A: The case is that he has no other land, but he is happy for his debt to be paid back using the sold land, because he is then not considered a rasha who doesn't satisfy his debts.
 - **Q:** He will be considered a rasha who doesn't pay his debts with regard to the buyer of the property when it is taken away from him!? **A:** He does not feel that way about the buyer's loss, because the deal was that the buyer purchased it without achrayus, and accepted the risk of loss.
- **Rava** or **R' Pappa** said, if a Yid sells a donkey to another Yid, and a goy comes and forcibly takes the donkey from him (claiming that it is his), the halacha is that the seller must try and help the buyer to get the donkey back. However, this is only if the buyer doesn't recognize the donkey as belonging to the seller. If he does, the seller need not come and help (because the goy is certainly taking it illegally). Further, even if the buyer does not recognize the donkey as having belonged to the seller, the seller only needs to help if the goy took the donkey and left the saddle (that shows he really believes the donkey belongs to him). But, if he grabbed the saddle as well, it shows that he is grabbing illegally, and the seller would therefore not have to help. **Ameimar** said, that even if the buyer does not recognize the donkey as having belonged to the buyer, and even if the goy did not take the saddle as well, the seller would not have to help get the donkey back, because the buyer knows that goyim take things by force illegally, and therefore the seller does not have to help retrieve the animal.

UMAN EIN LO CHAZAKAH...

- **Rabbah** said, this is only true if the item was given to the craftsman in front of witnesses. However, if it was not, since the craftsman would be believed if he said "You never gave this to me", he is also believed to say "I purchased this from you".
 - **Q: Abaye** asked, if so, even if it was given to him in front of witnesses he should be believed when he says that he bought it, since he could have lied and said that he already returned it!? **A: Rabbah** said, when a shomer receives an item in front of witnesses, he must return it in front of witnesses as well. Therefore, he could not claim that he returned the item.
 - **Q: Abaye** asked, a Braisa says, if a person saw his slave in the possession of a craftsman (to teach him a trade) or his talis in the possession of a launderer, and asked the craftsman or launderer, "why do you have my slave or talis", and the craftsman answered back "you sold it to me" or "you gave it to me as a gift", he is not believed. However, if he said, "in front of me you told a third person to sell it to me or give it to me as a gift", he would be believed.
 - **Q:** Before concluding how this Braisa poses a problem for **Rabbah**, the Gemara asks, what is the difference between the first and second cases of the Braisa? **A: Rabbah** explained, the second case is discussing where a third person has possession of the item, and tells the original owner, "In my presence you told the craftsman to sell it to me or give it to me as a gift". This 3rd person is

believed with a miguy that he could have said that he bought it from the original owner.

Returning to the question, the Braisa says that “he saw the craftsman” have possession of the item. Now, what exactly is the case? If there are witnesses, why is it essential for the owner to have seen it there? He can simply bring the witnesses and take it back!? Rather, it must be that there are no witnesses, and we see that if the owner saw it in his possession he can take it back from him, because we don’t believe the craftsman’s claim. This contradicts **Rabbah**, who said that if there are no witnesses the craftsman’s claim would be believed!? **A:** The case is that there are witnesses. Still, the craftsman is not believed only if he was seen in possession of the item, because then he could not claim that he already returned the item. If it was not seen there, he could always claim that he had returned the item.

- **Q: Abaye** asked, you **Rabbah** said that when one receives something in front of witnesses it must be returned in front of witnesses!? **A: Rabbah** said, I retracted my opinion about that.
- **Q: Rava** asked (on **Abaye**) from a Braisa that seems to support **Rabbah**. The Braisa says, if after fixing a talis there is an argument as to how much the fee was supposed to be, if the talis is still in the possession of the craftsman, he is believed (based on a miguy that he could have said he bought the talis). If it is in the possession of the owner, then if it is still within the day that the wages were due, the craftsman swears and is believed. If it is after that, the owner is believed under the concept of hamotzi meichaveiro alav haraya. Now, what is the case? If there are witnesses, we can simply ask them what the amount was supposed to be!? It must be that there were no witnesses, and we see that in that case the craftsman is believed with a miguy that he could have said that he bought the item, and supports **Rabbah**!? **A:** It may be that there were no witnesses when he gave it to him, and the Braisa is discussing where the owner did not see the talis in the craftsman’s possession. It is in that case that he is believed with a miguy.
- **Q: R’ Nachman bar Yitzchak** asked, our Mishna says that a craftsman cannot establish a chazakah. This suggests that it is a craftsman who cannot create a chazakah, but another person in that situation could. What is the case? If there are witnesses to the deposit, how could another person establish a chazakah on it? Rather, it must be that there were no witnesses, and we see that a craftsman does not create a chazakah based on his possession, which refutes **Rabbah**!? This is a **TEYUFTA** of **Rabbah**.