



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

Bava Basra Daf Mem Zayin

- **R' Yochanan** said, a craftsman cannot establish a chazakah, but the son of a craftsman can. A sharecropper cannot establish a chazakah, but his son can. Neither a gazlan nor his son can establish a chazakah, but the gazlan's grandson can.
 - **Q:** What is the case being discussed? If they are making a claim to an item based on the ownership of their father, then even the first two sons should not be able to establish a chazakah, and if they are making a claim on their own ownership, then even the son of a gazlan should be able to establish a chazakah!? **A:** The case is that they come with a claim based on their father's ownership, but they also bring witnesses who testify that the father actually bought the item in question from the person who is claiming the item be returned to him, based on an admission of this person to the witnesses. In the case of the craftsman and sharecropper we believe this admission. In the case of the gazlan, we assume the admission was made out of fear, and it therefore cannot be relied upon.
 - **Rava** said, there are times when even the grandson of a gazlan cannot establish a chazakah – when he comes with a claim based on his grandfather's ownership.
 - **Q:** What is the case of the gazlan? **A:** **R' Yochanan** said it refers to a field that this gazlan is known to have stolen. He can never establish a chazakah in the field, even if it was returned to the owner after the known stealing. **R' Chisda** said, it refers to someone who is known to be a gazlan, and who is willing to even kill for money.
- A Braisa says, a craftsman cannot establish a chazakah, but if he gives up his trade he can then establish a chazakah. A sharecropper cannot establish a chazakah, but if he gives up his trade he can then establish a chazakah. A son who no longer lives by his father, and a woman who is divorced from her husband, are considered like all other people in regard to chazakah.
 - **Q:** The case of the son is necessary to be taught, because we would think that a father allows his son to use his property even if he doesn't live with him anymore, but the case of the divorced woman seems obvious!? **A:** It is needed to teach the case of where it was a questionable divorce, in which case **R' Zeira in the name of R' Yirmiya bar Abba in the name of Shmuel** said that the husband is obligated to continue supporting her. Even though she is being supported, if she establishes a chazakah in her husband's property during that time, it is an effective chazakah.
- **R' Nachman** said that **R' Huna** told him, that with regard to all the people who cannot establish a chazakah, if they bring other proof of ownership, it would be acceptable and we would give the property to them. However, this would not work for a gazlan.
 - **Q:** A Mishna already says that if a Yid bought land from the sikrikon (an extortionist), and he then made a kinyan with the Jewish owner of the land as well, the purchase is void and he must return the land to the Jewish owner. We see from here that when someone gives up his property based on fear, the transaction becomes void, so why did **R' Huna** have to teach this!? **A:** He did so to exclude the view of **Rav**, who says that we only say that he didn't truly transfer ownership of the land if he told the purchaser to make a kinyan of chazaka. However, if he went and wrote a document of sale, that shows that he truly meant to transfer ownership. **R' Huna** is teaching that he holds like **Shmuel** who says, even a document of sale does not show true transfer unless he wrote achrayus into the document as well.
 - **R' Bibi** said, that if Beis Din takes away land from the gazlan and gives it back to the previous owner, the owner must return to the gazlan the money that the gazlan paid to him. However, that is only if there are witnesses who actually saw him pay. If there are only witnesses who heard the owner admit that he was paid, the owner would not have

to return the money, based on the statement of **R' Kahana**, which said that the person likely did so out of fear.