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Bava Basra Daf 128

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Rabbi Abba sent the following message to Rav Yosef bar Chama: The *halachah* is that a creditor may collect his debt from the debtor’s slaves (*for slaves are compared to land*). Rav Nachman, however, said: He cannot collect from the debtor’s slaves (*for they are only compared to land regarding Biblical laws such as purchasing them with money, a document or a chazakah (propriety act); however, with respect of collecting a debt, the creditor only relies on land which is not movable, not slaves which can move around*).

Rabbi Abba sent another message to Rav Yosef bar Chama: [*Reuven and Shimon are brothers; they are referred to as relatives of the first generation. Their children (first cousins) are referred to as relatives of the second generation. Their children (second cousins) are referred to as relatives of the third generation.*] The *halachah* is that a relative of the third generation (*Reuven’s grandson*) is qualified to testify for or against a relative of the second generation (*Shimon’s son*). Rava said: He (*Reuven’s grandson*) may also testify for or against a relative of the first generation (*Shimon*). Mar the son of Rav Ashi maintained that a grandson may act as witness for his father’s father (*since that is*

regarded as a third generation to a first). The *halachah*, however, is not in accordance with the opinion of Mar the son of Rav Ashi.

Rabbi Abba sent another message to Rav Yosef bar Chama: If a person possessed evidence in one's favor [in the matter of a plot of] land, before he became blind, and [then] became blind, he is disqualified. Shmuel, however, said: He is permitted [to give evidence], [since] it is possible for him to gauge [the extent of] its boundaries; but [in the case of] a cloak [he is] not [to be admitted as witness]. Rav Sheishes said: Even [in the case of] a cloak [his evidence is admissible, for] it is possible for him gauge the measurements of its length and of its breadth; but not [in the case of] a bar of metal. Rav Pappa said: Even [in the case of] a bar of metal, [for] it is possible for him to gauge its weight.

An objection was raised: If a man knew testimony for another before he became his son-in-law, and then became his son-in-law (*before testifying*); or if he was normal (*at the time that he observed that which he was going to testify about*) and now (*before testifying*) became deaf; or if he could see and now became blind; or if he was of sound mind

and now became deranged, then he is disqualified from testifying. But if he knew testimony for another before he became his son-in-law, and then became his son-in-law, and after that his daughter (*the father-in-law's daughter, i.e., his wife*) died; or if he could hear, became deaf, and now regained his hearing; or if he could see, lost his sight, and now recovered it; or was of sound mind, lost his mind, and now recovered it, then he is eligible to testify. This is the general rule: As long as he was capable at the beginning (*at the time that he observed that which he was going to testify about*) and again at the end (*when he is testifying*), he is qualified. This, surely, presents a refutation against all of them (all of whom admitted the testimony of a witness who lost his eyesight regarding the boundaries of the field)! This is [indeed] a refutation.

Rabbi Abba sent another message to Rav Yosef bar Chama: If one said [something] concerning a child among [his] sons, he is to be trusted. And Rabbi Yochanan said: He is not to be trusted.

The Gemora asks: What does this mean?

Abaye replied: It is this that was meant: If one said concerning a child among [his] sons [that] he shall be the inheritor to his entire estate, he is to be trusted in accordance with [the view of] Rabbi Yochanan ben Berokah; and Rabbi Yochanan said [that] he is not to be trusted, in accordance with [the view of] the Rabbis.

Rava pointed out a difficulty. [If] that [is the meaning, why the expressions], 'trusted' and 'not trusted'? 'He shall inherit' and 'he shall not inherit' should have been [the expressions used]!?

Rather, said Rava, it is this that was meant: If one said concerning a child among [his] sons [that] he was the firstborn, he is to be trusted, in accordance [with the view of] Rabbi Yehudah; and Rabbi Yochanan said that he was not to be trusted, in accordance with [the view of] the Rabbis.

Rabbi Abba sent another message to Rav Yosef bar Chama: If one said, "Let my wife receive [a share in my estate] as [any] one of [my] sons," she is to receive [a share] like [any] one of the sons.

Rava said: But [only] in the property [which he had in his possession] at that time, and (her share should be calculated) among the sons who may appear subsequently.

Rabbi Abba sent another message to Rav Yosef bar Chama: [In the case when] one produces a loan document against another, and the lender states, "I received no payment at all," and the borrower pleads, "I have paid a half," while witnesses testify that all [the debt] was paid, that [borrower] must take an oath, and the [lender] collects the [other] half from [the borrower's] free property but not from encumbered properties, for [the buyers or the creditors] can say, "We rely upon the witness."

And even [according] to Rabbi Akiva, who said [that he (i.e., a borrower who graciously admits liability) is to be treated in the same way as] one who returns a lost object (and he is exempt from taking an oath), these words [apply only to the case] where there are no witnesses, but where there are witnesses [his admission may be due to the fact that] he is simply afraid.

Mar son of Rav Ashi pointed out a difficulty: On the contrary, even [according] to Rabbi Shimon ben Elozar who said, [in the case mentioned, that] he is [to be treated as] one who admits part of the claim, these words, [it may be argued, are applicable only to the case] where there are no witnesses who support him, but where there are witnesses who support him, he [should] certainly [be treated as] one who returns a lost object!?

Mar Zutra taught in the name of Rav Shimi bar Ashi: The law in [the case of] all these reported statements [is] in accordance with [the messages] which Rabbi Abba sent to Rav Yosef bar Chama.

Ravina said to Rav Ashi: What [about the law] of Rav Nachman (that creditors may not seize slaves left as an inheritance by a deceased borrower)? [In civil matters the law is always in accordance with Rav Nachman's views, while here it has been stated that the law is in accordance with R' Abba's message. How, then, is one to reconcile the laws of Rav Nachman and R' Abba, which are mutually contradictory?]

He replied to him: We learned that [message of R' Abba as], 'they may not be seized,' and so said Rav Nachman.

The Gemora asks: What, then, does [the declaration of] the law exclude? If [its purpose is] to exclude Rava's [law, surely] he [merely] adds [to that of R' Abba]! If [to exclude the law] of Mar son of Rav Ashi, [surely, it has already been stated that] the law is not according to Mar son of Rav Ashi! If to exclude [the laws] of Shmuel and Rav Sheishes and Rav Pappa, to these, surely, objections have already been raised!?

The Gemora answers, [this is the object of the declaration:] To exclude [the law] of Rabbi Yochanan, and [that which was to be implied by] the difficulty of Mar son of Rav Ashi.

DAILY MASHAL

Cheesecake

Rav Matisyahu Solomon cites the reason for eating Milchig on Shavuos – that newly discovered meat preparation requirements needed more time, as proof that general rules in Halacha were somehow conveyed on Shavuos even if the details weren't given until Yom Kippur.