



OVERVIEW DAF 14

Section 1: The Beraisa Refutes Shmuel

Shmuel understands the Mishnah like R. Elazar. The Beraisa refutes him the same way it refutes R. Elazar.

Also, Shmuel said: One who finds a Hakna'ah document should return it because we're not worried about repayment. But the Beraisa says we DON'T return a document with Achrayus even when both admit. This means we ARE worried!

So even more so, when the borrower doesn't admit, we're worried!

Shmuel's Teaching About Achrayus:

Shmuel: The Chachamim hold that EVERY document should have Achrayus. If it's not mentioned, we assume it's a scribe's mistake, and we treat it AS IF Achrayus is written in!

Rava bar Isi's Challenge:

Question: This contradicts another teaching of Shmuel!

Shmuel said: A scribe must ASK (consult with Reuven, the seller) before writing these provisions about what happens if a creditor takes the field from the buyer (Shimon):

1. **Improvements** - If Shimon improved the field and it was taken, Reuven compensates him
2. **Idis** - Shimon will be compensated from highest quality land
3. **A lien** - On Reuven's property to repay Shimon if the land is taken

Suggestion: Maybe one of these teachings was mistakenly attributed to Shmuel.

Answer:

©All rights reserved by 'Velimadtem'

No, both are correct:

For a LOAN: Every document should have Achrayus. People only lend money expecting to get it back!

For a SALE: The scribe must consult. People sometimes buy land "for a day" (meaning without guarantee they'll keep it long-term).

A Story:

Avuha bar Ihi bought an upper story from his sister. His sister's creditor took it.

Shmuel: Did she write Achrayus for you?

Avuha: No.

Shmuel: You get no compensation.

Avuha: But you hold that if Achrayus isn't mentioned, it's a scribal mistake!

Shmuel: That's for a LOAN. For a SALE, people sometimes buy land for a day.

Section 2: Laws That Depend on Achrayus

Version #1 (Abaye):

If Reuven sold a field to Shimon WITH Achrayus, and Reuven's creditor (Levi) took it, Reuven can take Levi to court to contest this.

Levi can't say "you have no claim against me (since I didn't take from you)" because Reuven must compensate Shimon for what Levi took.

Version #2 (Abaye):

Even if Reuven sold WITHOUT Achrayus, he can take Levi to court. Even though Reuven doesn't need to compensate

Shimon, he can say "I don't want Shimon bearing a grudge against me."

About Backing Out:

Version #1 (Abaye): If Reuven sold a field to Shimon WITHOUT Achrayus, and people protested (said the field belongs to them):

BEFORE Shimon makes a Chazakah (establishes possession):

- He CAN back out of the sale

AFTER making a Chazakah:

- He CANNOT back out
- Reuven can say "you knew you were taking a risk"

Question: When is it considered that Shimon made a Chazakah?

Answer: From when he walks around the borders.

Version #2: Even if Reuven sold WITH Achrayus, Shimon can't back out after making a Chazakah.

Reuven can say "if and when court rules it's theirs, I'll compensate you."

Section 3: Compensation for Improvements

The Dispute:

Rav: If Reuven sold a field to Shimon, and it was found that it wasn't Reuven's:

- Shimon gets back what he paid
- Shimon is ALSO compensated for Shevach (improvements he made)

Shmuel:

- Shimon gets back what he paid
- But he's NOT compensated for Shevach

Question:

According to Shmuel, what if Reuven STIPULATED (agreed) that he'll compensate for Shevach if it's taken?

Two possibilities:

1. If Shmuel exempts because he didn't stipulate, here he DID stipulate → He's liable!
2. OR: Since Shimon never truly received land, it's as if he lent Reuven money. Compensating would look like INTEREST (Ribis), so even if he stipulated, he doesn't pay!

Rav Huna: Was unsure.

Answer (Rav Nachman citing Shmuel):

Shimon gets back what he paid, but is NOT compensated for Shevach, EVEN if Reuven stipulated!

Why? Since Shimon never received land, it would look like Ribis (interest).

Rava's Challenge:

From a Mishnah: It was decreed that the following are NOT paid from Meshubadim (sold property):

- Peros that were eaten
- Shevach to land
- Food for the widow and daughters

They're NOT paid from Meshubadim, but they ARE paid from Bnei Chorin (unsold property)!

Suggestion: "Shevach to land" refers to when it was found to be stolen!

Answer: No, it's when a creditor took it.

Problem:

The Mishnah teaches "Peros that were eaten." A creditor who takes land doesn't take Peros!

Shmuel said: A creditor takes Shevach.

Inference: He takes ONLY Shevach, but NOT Peros!

We must say the Mishnah discusses Peros when the land was STOLEN. So presumably, the same applies to Shevach!

distinctions between loans and sales, and between different types of property claims.

Answer: No. Peros are when the land was stolen. Shevach is when a creditor took it.

Question from a Beraisa:

Beraisa: Compensation for Shevach: If Yehudah stole David's field, when it's taken, he collects principal even from Meshubadim, and Shevach from Bnei Chorin.

Question: What's the case?

If it's as the Beraisa says, who should pay the THIEF?!

Answer: Rather, Yehudah stole David's field and sold it to Moshe, who improved it.

Rav Nachman's answer: The Beraisa must be corrected. We can correct it to discuss a CREDITOR!

Support:

Beraisa: Evaluation of Peros: Yehudah stole David's field. Behold, it leaves his hand; he collects principal from Meshubadim, and Peros from Bnei Chorin.

Question: What's the case?

If it's as the Beraisa says, who should pay the thief?!

Answer: Rather, Yehudah stole David's field and sold it to Moshe, who improved it.

Rava's Rejection:

The case is: Yehudah stole David's field FULL of produce (Peros). He ate the produce and dug pits in the field.

David collects:

- **Principal** (the decreased value due to pits) - even from Meshubadim
- **Value of the Peros** - from Bnei Chorin

Bottom Line: This section explores whether loan and sale documents automatically include Achrayus (liability), when buyers can back out of sales, and whether sellers must compensate buyers for improvements when property is taken by creditors or found to be stolen - with complex