

## The rule is that he reimburses him

דינא הוא דמפצי ליה -

### Overview

The גמרא ruled that if ראוּבן sold a donkey to שמעון, and a gentile took away the donkey from שמעון (by force), claiming that this donkey was stolen from him, ראוּבן is obligated to reimburse שמעון. Our תוספות clarifies this ruling.

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תוספות asks:

**תימה לרבינו שמשון בן אברהם דלימא ליה אייתי ראיה דבדין טרפה ואשלם לך -**

**The רשב"א is astounded; let ראוּבן say to שמעון, 'bring me proof that the gentile took it away from you legally, and then I will pay you' -**

**דאפילו לגבי ישראל מצי למימר הכי כל שכן לגבי עכו"ם -**

**For even regarding a ישראל (who took away an item by force from a buyer), the seller can say to the buyer, 'prove that it was taken away from you legally, and I will pay you', so certainly regarding a gentile (who is generally 'dishonest') that the seller can make this claim; why is the rule that the seller must reimburse him?!<sup>1</sup>**

תוספות answer:

**ויש לומר דמיירי כגון שבדיני עכו"ם דן עמו ובדיניהם הויא דעכו"ם הלכך חייב לפצותו:**

**And one can say; that this is a case where they went to a gentile court, and they ruled in the gentile's favor, therefore he is obligated to reimburse him.**

### Summary

The ruling of a gentile court is sufficient to validate a claim.

### Thinking it over

Shortly the גמרא qualifies this ruling that he must reimburse him, only if the gentile claimed the donkey but not the saddle,<sup>2</sup> if, however he claimed the saddle as well, he need not reimburse him. If we are relying on the proof of the 'saddle', why is it necessary to establish that the gentile was vindicated in court?! And if he was vindicated in court why do we need the proof from the saddle?!

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<sup>1</sup> Why do we believe the gentile?!

<sup>2</sup> This proves that the gentile is honest in his claim (otherwise he would have claimed the saddle as well).