

כגון שלקה ומכר לאלתר –

For instance that he bought it and sold it immediately

Overview

The **ברייתא** taught that if **ראובן** sold a field to **שמעון**, he cannot later testify on behalf of **שמעון** against a potential litigant. However if he sold him a **פרה** and **וטלית** he can testify on his behalf.¹ In response to various questions, the **גמרא** answers that by the **פרה** and **וטלית** there is no concern that he was **משעבד** it for his **מלוה**, since we know that **ראובן** bought the **פרה** and immediately sold it to **שמעון**, so there was no time between the purchase and sale that he could have borrowed money and be **משעבד** this **פרה** to the **מלוה**. The **גמרא** challenged this answer, asking perhaps **ראובן** the **לוה** said to his **מלוה** that I am **משעבד** to you 'דאיקני'.² Our **תוספות** asks that the **גמרא** could have refuted this answer (of **שלקח ומכר לאלתר**) in another manner.

תוספות responds to an anticipated difficulty:

הוה מצי למיפרך אי הכי אפילו בית ושדה נמי אלא מגופה פריך:

The **גמרא** **could have asked**, if indeed it is **so** that he was **שלקח ומכר לאלתר**, **so by בית ושדה** as well he should be permitted to testify, since he did not borrow in between; there should be no difference between **בית ושדה** and **פרה וטלית**, **however** the **גמרא** preferred to **challenge** this answer **from פרה וטלית itself**; which is what we are discussing.

Summary

It is preferable to ask from the issue which is under discussion than from an external issue.

Thinking it over

Which of these two challenges is stronger (the **גמרא's** challenge דלמא דאיקני, or (א"ה בית ושדה נמי תוספות proposed challenge)?

¹ In the first instance we are concerned that **ראובן** has a vested interest that the property remain by **שמעון** so **ראובן's** creditor will have from where to collect, however regarding **מטלטלין**, which (usually) cannot be collected from **לקוחות**, we are not concerned.

² This means, 'I am placing collateral on any asset that I will acquire later'. Therefore as soon as **ראובן** purchased the **פרה** and **וטלית** they became **משעבד** to his **מלוה**. Therefore even though he immediately sold it to **שמעון**, nevertheless the **שעבוד** remains, so how can **ראובן** testify on behalf of **שמעון**, since he has a vested interest that the **פרה** and **וטלית** remain by **שמעון**, so his **מלוה** will have where to collect from.