

Siyum Masechet Bava Basra

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The Hebrew root letters “Ayin-resh-vet” combine to form an interesting set of words. For example, in Shir HaShirim (2:14): הַשְּׁמִיעֵנִי אֶת־קוֹלְךָ כִּי־קוֹלְךָ עֲרֹב וּמְרֹאֵיךָ נְאוּהַ – Let me hear your voice for your voice is **sweet** and your face is beautiful. Perhaps “awraiv” suggests the intersection between “not too loud” and “not too soft”, “not overly dramatic” and “not overly plain” – the intersection of stimulating audio and pleasing sound. In another context, we find the “orev” as in Breishit (8:7): וַיִּשְׁלַח אֶת־הָעֹרֵב וַיֵּצֵא וַיָּשׁוּב – And Noah sent the **raven** and it went out and back. The raven, a bird of black and gray plumage, may be so named due to the intermingling of these colors. Of course, we know the word “Erev” or evening as in Breishit (1:5): וַיְהִי־עֶרֶב וַיְהִי־בֹקֶר, יוֹם אֶחָד – and it was **evening** and it was morning, the one day. “Erev” connotes the intersection period of lightness and darkness at evening time. In another context, the word “Eiruv” means to interweave or join as applied to the amalgamation of domains in Dinei Shabbos. Then there is the word “Arava” – a dry plain - not a desert and not a field. Then, in the story of Yehuda and Tamar (Breishit 38:17): וַתֹּאמֶר אִם־תִּתֶּנּוּ עִרְבוֹן עַד שְׁלֹחֲךָ – and she (Tamar) said – You (Yehuda) must leave a pledge with me until you have sent it (the payment for being with me). This Eravon will link the two parties together until the commitment between the two parties has been effectuated.

We now arrive at the word “Aw-reiv” – the guarantor – an individual who places him or herself into a legal situation in which they are committed to pay back a loan if the debtor is unable to. The presence of a guarantor reduces risk for lenders and increases the chances that a borrower will secure needed funds. It is not at all surprising that the topic of “arvus” appears in our Halachic material as many of our ancestors were typically challenged with a need for funds, perhaps for buying seed to support their farm or animals to develop their herds. It was common, in agricultural societies, for people to need financial assistance from time-to-time and the specific procedures detailed in our Mesechta were meant to ensure that the flow of financial support within the community continued in a reasonable and consistent manner.

The final Mishnah of Bava Basra discusses the timing of when a guarantor becomes part of a loan scenario.

אֵלָא אֵיזָה הוּא עֲרֵב שֶׁהוּא חַיִּיב? “הַלְלוֹהוּ, וְאֵינִי נוֹתֵן לָךְ” – חַיִּיב, שְׁכַן עַל אֲמוּנָתוֹ הַלְלוֹהוּ

Who is a guarantor who is obligated to repay the loan that he has guaranteed? It is when a person tells the creditor before the loan begins: “Lend him the money and I will be obligated to cover the repayment if the borrower is unable.” The reason that the awreiv is chayav to repay the loan in this scenario is that the creditor loaned the money to the

borrower based on his trust/Emunah in the guarantor's offer at the initiation point of the loan.

The Gemara at the end of the Mesechta discusses whether or not the awreiv is required to perform any specific act of kinyan/acquisition to become legally obligated to repay the loan if the borrower defaults. Our Gemara concludes with the following statement:

וְהִלְכְתָּא: עָרַב בְּשַׁעַת מִתֵּן מַעוֹת – לֹא בְּעֵי קִנְיָן, אַחֲרַיִם מִתֵּן מַעוֹת – בְּעֵי קִנְיָן

The Halacha is that a guarantor who is present at the time that the money is provided from the lender to the borrower does not need to perform an act of acquisition (his or her being there at the time of the transfer means something – he or she is involved). However, if the awreiv only arrives after the transfer of the money, an act of acquisition is required (since we need some evidence that the guarantor wishes to take on the responsibility of repayment, if needed, for this loan that has already happened). Finally:

עָרַב דְּבֵית דִּין – לֹא בְּעֵי קִנְיָן; דְּבַהֲהִיא הִנָּא דְּמַהֲיָמֵן לִיהּ – גָּמַר וּמִשְׁעָבֵד לִיהּ

If a person takes on the obligation to be a guarantor of a loan in the present of a Beis Din, then no act of acquisition must be performed. Why? The Gemara answers: that in return for the satisfaction or gratification that the person experiences by the courts trust in him or her, the guarantor self-determines that they will be obligated to be involved in this loan.

Our Mesorah teaches that every one of us is an awreiv – we, by our living a life of Torah and Mitzvos, are inextricably linked to one another. We are also joined to those that came before us and to those that will follow us. The Hadran itself reminds us that the words of Torah should always be sweet in our mouths - תּוֹרַתְךָ בְּפִינוּ - **וְהָעֵרַב נָא אֶת דְּבָרֵי תוֹרַתְךָ בְּפִינוּ** and that the study of Torah and the act of living a life into which Torah is interwoven provides a guarantee that as the Hadran promises us: **שְׁלֹא תִמּוּשׁ הַתּוֹרָה מִפִּי וּמִפִּי זַרְעֵי עַד עוֹלָם** – that the Torah shall never leave my mouth and the mouths of my descendants for all of eternity.

May our connectedness to all Jews wherever they are continue to be a bracha and a zchus forever.

Hadran Alach Get Pashut vHadran Alach Maseches Bava Basra