Bava Kamma Chapter Ten Mishna Nine

Introduction

Mishnah nine deals with items one may purchase from certain people without concern that they may have been stolen.

Mishnah ten deals with a craftsman’s rights to keep the by-products of their work. In the days of the mishnah a craftsman often did the work but did not provide the raw materials. For instance, a person would bring some cloth to a tailor and the tailor would sew it into a dress. Or a person would bring wood to a carpenter, who would use the wood to make a table. Inevitably there will be material that was given to the craftsman that is not part of the finished product. Our mishnah asks the question to whom do these materials belong.

# Mishnah Nine

1. One is not to buy wool or milk or kids from herdsmen, not fruit from those that watch over fruit-trees.
   1. However, one may buy garments of wool from women in Judea and garments of flax from women in the Galilee or calves in the Sharon.
   2. And in all cases in which [the seller] says to hide them away, it is forbidden [to purchase the item].
2. One may buy eggs and fowls in any case.

# *Explanation*

Our mishnah is concerned with the possibility that one may unknowingly purchase stolen goods from another person. Therefore, the mishnah lists those from whom one should not purchase certain items less they be stolen and those from whom one can purchase. Section one states that one should not purchase things from herdsmen that may have been illegally obtained from the herd which belongs to someone else. Likewise one may not buy things from an orchard watcher that he may have illegally obtained from the orchard. Although we cannot be sure that the product was stolen, the mishnah states that society should avoid giving the herdsmen or orchard watcher the temptation to steal and sell. If no one buys from him than he will not be able to peddle his stolen goods. Section 1a is a contrast to section 1. The women mentioned in this mishnah are probably doing work with things that belong to their husbands. For instance women in Judea spin and make cloth from the wool that their husbands gather from sheep. The same is true with regards to flax in the Galilee and calves in the Sharon. In these cases one may purchase the items without fear that the wife is stealing from the husband. Since the husband in general expects that his wife will sell the product which she makes, one need not fear of her doing so without her husband’s permission.

Section 2 states general reservations on the previous sections. If one states that the purchaser should not let anyone know about the purchase, obviously something is wrong and the purchaser should not buy the item. Section 2 states that one need never fear when purchasing eggs or chickens. Evidently these items are so common that even those who have access to other people’s chickens and eggs will also have their own to sell, and therefore we can assume that when they sell, they are not selling stolen property.

**Questions for Further Thought:**

* What might be some laws in our society that are similar to the laws in mishnah nine?