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Gittin Daf 47

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Lydians (Cannibals) and Rish Lakish

There was a person who sold himself to the Lydians (*who were a cannibalistic people*). He came before Rabbi Ami and said, “Redeem me.” Rabbi Ami said to him, “We have learned in a *Mishna*: If someone sells himself and his children to idolaters as slaves, we do not redeem them. However, we do redeem the children after he dies. This is because we are concerned that the sons will intermingle with the idolaters (*which is not a concern while the father is still alive, for he will watch over them*). And all the more so here (*we should redeem him*), where there is a concern of death!”

The Rabbis asked Rabbi Ami: This man is a rebellious Jew, who has been seen eating *nevelos* and *tereifos* (*unkosher meat*)!? He said to them: Perhaps he only did so because he desired meat, and could get no other? [*This would render him a mumar, and not a min. It is only with respect to Min that we say he could be killed, but not with respect to a mumar!?*] They responded: There have been times when he had the choice of permitted and forbidden meat and he passed up on the permitted food and ate the forbidden food! Rabbi Ami said to the man, “Go! They will not let me ransom you.”

Rish Lakish once sold himself to the Lydians. He took with him a bag with a round stone (*or lead*) in it, because, he

said, it is well known that on the last day, they grant any request of their victim in order that he may forgive them for killing him. On the last day they said to him, “What would you like?” He replied, “I want you to let me tie your arms and seat you, and give each one of you a blow and a half with my bag.” He bound them and seated them, and gave each of them a blow with his bag which stunned them. One of the Lydians ground his teeth at him. Rish Lakish told him, “Are you laughing at me?” I still have half a bag left for you. So he killed them all and left them.

Rish Lakish would sit, eat and drink (*whatever he earned, he would spend immediately, and not save for the next day*), and one day his daughter asked him, “Do you want something to recline on?” He replied, “My daughter, my belly is my mattress.” When he died, he left only a *kav* of saffron to his heirs, but he applied to himself the verse: *And they shall leave to others their possessions.* (46b – 47a)

Mishna

If one sells his field in *Eretz Yisroel* to an idolater, he is required to purchase the first fruits and bring *bikkurim* (*the first ripe fruits of any of the seven species with which the Torah praises Eretz Yisroel, which had to be brought to the Beis Hamikdosh in Yerushalayim*) from it, for the

benefit of the public (so he shouldn't be accustomed to selling them land in Eretz Yisroel). (47a)

Ma'aser from an Idolater's Land

Rabbah said: Although an idolater cannot own property in Eretz Yisroel so fully as to exempt it from the obligation of separating *ma'aser* (the land retains its sanctity and the buyer is required to separate *ma'aser* from it), as it says: *For the Land is Mine*, meaning to say, the sanctity of the Land is still Mine; yet, an idolater can own land in Eretz Yisroel as to have the right of digging in it pits, ditches and caves, as it says: *The heavens are the heavens of Hashem, but the earth he gave to mankind (for all their needs)*.

Rabbi Elozar, however, said: Although an idolater can own property in Eretz Yisroel so fully as to exempt it from the obligation of separating *ma'aser*, as it says: *the ma'aser of your grain*, which implies that only *your grain* is subject to the obligations of *ma'aser*, but not the grain of idolaters; yet, an idolater cannot own land in Eretz Yisroel as to have the right of digging in it pits, ditches and caves (*he only owns the produce, not the land itself*), since it says: *The Land is Hashem's*.

The Gemora explains the point at issue between them: Rabbi Elozar holds that we interpret the word "*your grain*" to mean: your grain and not the grain of an idolater, and Rabbah holds that we interpret it to mean: your finishing of the grain while it is in your possession and not his finishing of the grain in his possession. [*The obligation for tithing comes into effect only after the crop has been piled and smoothed out. According to Rabbah, the verse exempts grain only if its production was*

completed in the ownership of an idolater. Where, however, a Jew owned the grain at the time of its completion, the grain is subject to the ma'aser obligation, although the crop grew in soil belonging to an idolater, because an idolater's ownership of land in Eretz Yisroel does not negate its sanctity.]

Rabbah said: From where do I derive my view? It is from the following Mishna: The *leket*, (one or two ears of grain that fall from his hand while harvesting must be left for the poor), *shich'chah* (one or two bundles that are mistakenly left behind during the gathering of the bundles are left for the poor) and *pe'ah* (a corner of the field is left over for the poor) belonging to an idolater are subject to the laws of *ma'aser* unless he has expressly declared them ownerless. [*Any produce, which the Levi has an equal share in, such as ownerless produce, or leket, shich'chah and pe'ah, is exempt from the laws of ma'aser.*]

The Gemora explains the case of the Mishna: If you will say that the field belongs to a Jew and the produce has been gathered by an idolater (*and sold to another Jew; and the Mishna would be teaching us that the buyer must separate ma'aser from the leket, shich'chah and pe'ah unless the original owner had declared them ownerless*), then, what is the meaning of "unless he has expressly declared them ownerless"? They are already ownerless (*because they are leket, shich'chah and pe'ah*)!? Rather, the Mishna must be discussing a case where the field belongs to an idolater and a Jew has gathered the produce (*as leket, shich'chah and pe'ah; however, since an idolater is not commanded to do so, it is not regarded as leket, shich'chah and pe'ah, and consequently, the Jews who gathered this produce would be obligated to separate ma'aser unless the idolater expressly declared them ownerless*), and the reason why he is not obligated

to separate *ma'aser* is because the idolater has declared them ownerless, but otherwise, he would be liable! [This proves that the produce from an idolater's land in Eretz Yisroel is subject to the laws of *ma'aser*!]

The *Gemora* rejects this proof: I may still say that the field belongs to a Jew and the produce has been gathered by an idolater. And concerning your question that it has already been declared ownerless, I can answer that granted that it is such for the benefit of the Jew, but is it ownerless for the benefit of an idolater? [Obviously not! Therefore, it is not considered *leket*, *shich'chah* and *pe'ah*, and in order to be regarded as "ownerless," the owner must expressly declare it to be so.]

The *Gemora* cites a *braisa* to support Rabbi Elozar's viewpoint (that an idolater's property in Eretz Yisroel is exempt from *ma'aser*): If a Jew bought a field from an idolater before the produce was a third grown, and he then sold it back to him after it was a third grown, it is subject to the laws of *ma'aser*, because the produce was already subject to the laws of *ma'aser* (before he sold it back). We may infer from there that if it would not have become subject to the laws of *ma'aser* while it was in the possession of the Jew, it would not be subject to the laws of *ma'aser*. [This proves that the produce from an idolater's land in Eretz Yisroel is not subject to the laws of *ma'aser*!]

The *Gemora* rejects this proof: The *braisa* is dealing with a field in *Surya*, and this *Tanna* holds that the land captured by an individual is not regarded as a valid capturing (the fact that David captured it does not make it part of Eretz Yisroel).

Rav Chiya bar Avin attempts to bring a proof to Rabbi Elozar from our *Mishna*: If one sells his field in Eretz Yisroel to an idolater, he is required to purchase the first fruits and bring *bikkurim* from it, for the benefit of the public. It would seem that Biblically speaking, there is no requirement. [This proves that the produce from an idolater's land in Eretz Yisroel is not subject to the laws of *ma'aser*!]

Rav Ashi said: This is not a proof. There were two enactments. At first, the sellers of the fields used to bring the *bikkurim* (by buying the produce from the idolater) under Biblical law. When the Sages saw that people were selling their fields to idolaters, since they saw that the fields still retained their sanctity (and therefore they were under the impression that there is no prohibition against selling it), they decreed that the *bikkurim* should not be brought (hoping that this would discourage the sale of land to idolaters). When they saw that those who were short of money still sold land to idolaters, and the fields remained in their hands, they decreed that *bikkurim* should be brought (by the seller buying it back). (47a – 47b)

Owning the Produce

It has been stated: If a man sells his field only with respect to its produce (on the understanding that the purchaser is to acquire the produce for a certain number of years but not to become owner of the soil; this is during the time period when the laws of *Yovel* were not in force, for if they were, every sale was in such a manner, for the field would be returned to the original owner at *Yovel*), Rabbi Yochanan says that the purchaser brings the *bikkurim* and recites the verses (which are usually recited when the



bikkurim are brought to the Beis HaMikdash; he is thanking Hashem for the land and its produce) while Rish Lakish says that he brings them but does not recite the verses.

The *Gemora* explains the dispute: Rabbi Yochanan says that the purchaser brings the *bikkurim* and recites the verses because he is of the opinion that the possession of the produce is equivalent to possession of the thing (and therefore he is obligated to bring the *bikkurim* and recite the verses), while Rish Lakish, who says that he brings them but does not recite the verses, is of the opinion that the possession of the produce is not equivalent to the possession of the thing.

Rish Lakish challenged Rabbi Yochanan from the following *braisa*: If while one was on the road (to Yerushalayim) bringing the *bikkurim* of his wife (from her *melog* property; usufruct property - the husband has the right to use the produce from the property that she brought in to the marriage), he heard that his wife had died, he still brings the *bikkurim* and recites the verses. We may infer from there that if she did not die, he would not recite the verses. [This proves the possession of the produce is not equivalent to the possession of the thing.]

The *Gemora* rejects the proof: The *halachah* would be the same even if she did not die, but the *braisa* wanted to teach us a novelty regarding the case of her dying. You might have thought that in this case, as a precaution, we should prohibit the husband from reciting the verses because of the ruling of Rabbi Yosi bar Chanina, who ruled that if a man harvested his grapes and sent another man to bring them to Yerushalayim, and the person commissioned died on the way, he (*the owner*) brings them, but does not recite the verses, because we

expound from a verse that the taking and the bringing must be performed by the same person. [And here, we might think that the husband, who on the way was transformed from a purchaser into an heir, might be regarded as two different people.] The *braisa* teaches us that we do not take this precaution. (47b)

QUESTIONS AND ANSWERS FROM YESTERDAY'S DAF

to refresh your memory

Q: Can a vow taken in public be annulled?

A: *Machlokes*.

Q: In front of how many people will a vow be regarded as a "vow in public"?

A: Rav Nachman – 3; Rabbi Yitzchak – 10.

Q: If someone divorces his wife because he claims she is an *aylonis*, can he remarry her later on? Rabbi Yehudah says that he cannot remarry her. The *Chachamim* say that he may remarry her.

A: Rabbi Yehudah says that he cannot remarry her. The *Chachamim* say that he may remarry her.