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Gittin Daf 58

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

Rabbi Yehoshua ben Levi said: This [the verse: Because for Your sake we are killed all the time] refers to circumcision, which is performed on the eighth day.

Rabbi Shimon ben Lakish said: It can be applied to Torah scholars who demonstrate the rules of shechitah on themselves; for Rava said: A man can practice anything on himself except shechitah, and “something else” (tzaraas).

Rav Nachman bar Yitzchak said that it can be applied to the Torah scholars who kill themselves for the words of the Torah, in accordance with the saying of Rabbi Shimon ben Lakish; for Rabbi Shimon ben Lakish said: The words of the Torah are not retained except with one who kills himself for them, as it says: *This is the law, when a man shall die in the tent* etc.

Rabbah bar Chanah said in the name of Rabbi Yochanan: Forty se'ahs of tefillin boxes were found on the heads of the victims of Beitar.

Rabbi Yannai son of Rabbi Yishmael said: There were three chests each containing forty se'ahs. In a braisa it was taught: Forty chests each of three se'ahs. There is, however, no disagreement; the one was referring to the tefillin of the head, the other to that of the arm. (57b – 58a)

### ***Destruction***

Rav Assi said: Four kavos of brains were found on one stone. [These were from all the Jews who were killed by the enemy

during the destruction of the first Beris HaMikdash.] Ulla said: There were nine kavos.

It is written: *The precious children of Zion, who were (mesulaim) comparable to (paz) fine gold.* What does the verse mean? Shall I say it means that they were covered with paz? This cannot be seeing that in the Beis Medrash of Rabbi Shila it was taught that two *istira*-weights of paz came down into the world; one of which went to Rome and the other to the rest of the world! [Obviously, Eretz Yisroel couldn't have enough to cover everyone with it!?] Rather, what it means is that their beauty put paz to shame. Initially, the prominent Romans used to keep beautiful figures set in a ring in front of them when they had marital relations (*in order that if the woman would conceive, the child would be beautiful*), but now, they brought Jewish boys and tied them to the foot of the bed.

Rav Yehudah said in the name of Shmuel who said in the name of Rabban Shimon ben Gamliel: What does the following verse mean: *My eye has effected my soul, because of all the daughters of my city?* There were four hundred synagogues in the city of Beitar, and in every one of them, there were four hundred teachers of children, and each one had under him four hundred students. And when the enemy entered, the students intended to pierce them with their staves, but when the enemy triumphed and captured them, they wrapped them in their scrolls and burnt them with fire.

The *Gemora* cites a *braisa*: Rabbi Yehoshua ben Chananiah once happened to go to the great city in Rome, and he was told there that there was in the prison a child with beautiful eyes and face and his curly hair was arranged in locks. He

went and stood at the doorway of the prison and said, “*Who gave Yaakov over for spoil and Israel to the plunderers?*” The child answered (*by continuing the verse mentioned by Rabbi Yehoshua*), “*Is it not Hashem? It is on account of this; we have sinned against Him, and our fathers did not want to go in His ways, neither did they listen to His Torah.*” Rabbi Yehoshua ben Chananiah said: I feel sure that this child will be a teacher in Israel. I swear by the Temple service that I will not move from here before I ransom him with whatever price that they demand for him. They said that he did not leave the spot before he had ransomed him with a huge amount of money, and it was not too long afterwards before he became a teacher in Israel. Who was he? He was Rabbi Yishmael ben Elisha.

Rav Yehudah said in the name of Rav: It happened that the son and the daughter of Rabbi Yishmael ben Elisha were taken captive and sold to two masters. Some time later, the two met together, and one said, “I have the most beautiful slave in the world.” The other one said, “I have the most beautiful female slave in the world.” They said, “Let us marry them to one another and share the children.” They put them in the same room. The boy sat in one corner and the girl in the other. He said, “I am a *Kohen* descending from *Kohanim Gedolim*; how can I marry a slavewoman?” She said, “I am a *Kohenes* descending from *Kohanim Gedolim*; how can I be married to a slave?” So they spent the entire night in tears. When dawn arrived, they recognized each other and fell on each other’s necks and bemoaned themselves with tears until their souls departed. For them Yirmiyah utters lamentation: *For these people I am weeping; my eye, my eye drops water.*

Rish Lakish said: It happened that a certain woman named Tzafnas (*so called because everyone gazed at her beauty*) the daughter of Peniel (*so called because she was the daughter of the Kohen Gadol who served in the innermost room in the Beis HaMikdash*) that her captor abused her the whole night. In the morning, he dressed her in seven wraps and took her out to sell her. A certain man who was exceptionally ugly came and said, “Show me her beauty.” He said, “Fool, if you

want to buy her, buy her, for I tell you that there is no other woman as beautiful as her in the entire world.” He said to him, “Nevertheless, show her to me.” He took six wraps off of her, and she herself tore off the seventh and rolled in the dust, saying, “Master of the Universe, if You do not have pity on us, why don’t You have pity on the sanctity of Your Name?” For her Yirmiyah utters lamentation, saying: *O daughter of my people, gird with sackcloth and roll in ashes. Make for you a mourning as for an only son, a most bitter lamentation, for the plunderer shall suddenly come upon us.* It does not say “upon you,” but “upon us” Hashem is saying, if one may say so: the plunderer comes upon Me and upon you.

Rav Yehudah said in the name of Rav: What is signified by the verse: *And they oppress a man and his house, even a man and his inheritance?* A certain man, who was a carpenter’s apprentice, desired the wife of his master. One time, his master wished to borrow some money from him. He said to him, “Send your wife to me and I will lend her the money.” So he sent his wife to him, and she stayed three days with him. The master went to him and asked, “Where is my wife whom I sent to you?” He replied, “I sent her away at once, but I heard that there were some youngsters who misbehaved with her on the road.” He asked, “What shall I do?” The apprentice answered, “If you listen to my advice, divorce her.” “But,” he said, “She has a large *kesuvah* settlement!?” The apprentice said, “I will lend you money to give her for her *kesuvah*.” So he went and divorced her and the apprentice went and married her. When the time for payment arrived and he was not able to pay him, the apprentice said, “Come and work for me to pay off your debt.” So they (*the apprentice and his wife*) used to sit and eat and drink while he waited on them and served them drinks, and tears used to fall from his eyes and drop into their cups. It was at that time that Heaven sealed the decree for destruction. Some, however, say that it was sealed because of two wicks in one light (*the adultery committed by the apprentice and the wife*). (58a)

**Sikerikon**

The *Mishna* had stated: If one purchased a field from a *sikerikon* and then acquired it from the original owner, his purchase is void (for we assume that the owner did not actually intend to sell it to him).

Rav said: This is the *halachah* only if the owner told him, “Go and acquire it through a *chazakah* (performing an act with the field, such as working in the field, demonstrating that he is the owner).” However, if he gave it to him with a document (thus showing that he is truly sincere), he does acquire the land.

Shmuel said: He does not acquire the land, even when it was given with a document (for we still may assume that the original owner is insincere), unless he writes for the purchaser that he is accepting responsibility on it (if a creditor of his would seize the property from the purchaser, the original owner would compensate him for it).

The *Gemora* cites a *braisa* to support Shmuel: Rabbi Shimon ben Elozar says: If one purchased a field (the *lien* on the field that was designated for a woman’s *kesuvah*) from a woman and then purchased the field from the husband, his purchase is valid. If, however, he purchased it first from the husband and then he acquired it from the wife, his purchase is void (for we may assume that she only consented to please her husband), unless she writes for the purchaser that she is accepting responsibility on it.

The *Gemora* asks: Let this *braisa* be a refutation on Rav!?

The *Gemora* answers: Rav will understand the *braisa* (when it states that she writes for the purchaser) to be referring to an ordinary document. (58a – 58b)

### **Second Purchaser**

[The *Mishna* had stated: If one purchases a field from a *sikerikon*, he gives the owner one quarter (and he may then keep the field).] The *Gemora* cites a *braisa*: If a man

purchased property from the *sikerikon* and ate its produce for three years in the presence of the original owner (without him protesting; this constitutes a *chazakah*), and then he sold it to another, the original owner has no claim against the second purchaser. [He cannot take the land back from him. He also cannot demand that he should pay one quarter to him.]

The *Gemora* asks: How are we to understand this case? If the second purchaser claims that the first one bought it from him (and paid the quarter), the *halachah* would be the same even if it would still be in the possession of the first purchaser! If he does make that claim, then the *halachah* should not apply to the second purchaser either (and he should be required to return the property to the original owner; for a mere *chazakah* without a valid claim is not a *chazakah*)!?

Rav Sheishes answers: The *braisa* is dealing with a case where he does not make that claim (and we are uncertain if the first purchaser bought it in the proper manner), and yet the *halachah* applies, because in a case like this, the *Beis Din* pleads on behalf of a heir and on behalf of a purchaser (since there is a strong presumption that the first purchaser bought it in the proper manner). However, if the property is still by the first purchaser, he may keep it only if he pleads on his own accord, but otherwise not. (58b)

### **Other Cases of Seizure**

The *Gemora* cites a *braisa*: If an idolater seizes the land of a Jew on account of a debt or without any just cause, the *sikerikon halachah* does not apply to it (and if someone purchases the land from the idolater, he must return it to the original owner without compensation; we only assume that he intended to sell it when he was under the threat of death, but not in these cases). And land seized without any just cause must remain in the idolater’s hands for twelve months (before someone can purchase it from him).

The *Gemora* asks: But you just said that the *sikerikon halachah* does not apply to it?

The *Gemora* answers: The *braisa* means that the *halachah* of *sikerikon* only applies if the land was in the idolater's possession for twelve months.

Rav Yosef ruled that in Bavel, if one buys land from an idolater, who had seized it from a Jew without any just cause, he is allowed to keep it. This is because there are courthouses in Bavel where the original owner could have went to plead his case. Since he did not go and complain, we presume that he has waived his claim. (58b)

### One Quarter

The *Mishna* had stated: This (*the halachah regarding a sikerikon*) was the initial teaching. But a *Beis Din* after them decreed that if one purchases a field from a *sikerikon*, he gives the owner one quarter (*and he may then keep the field*).

Rav said: He either pays a quarter of the purchase price in land or in money. Shmuel said: He pays a quarter of the land, which is equivalent to a third of the purchase price.

The *Gemora* explains the point of issue between them: Shmuel holds that he buys the land (*from the sikerikon*) for a quarter less than its true value. [*He buys land which is worth four manehs for three manehs. Hence, a quarter of the land is equal to a third of the purchase price.*] And Rav holds that he buys the land for a fifth less than its value. [*He buys land which is worth five manehs for four manehs. The purchaser pays one maneh to the original owner.*]

The *Gemora* asks on Shmuel from the following *braisa*: This (*the halachah regarding a sikerikon*) was the initial teaching. But a *Beis Din* after them decreed that if one purchases a field from a *sikerikon*, he gives the owner one quarter (*and he may then keep the field*). The original owner has the upper hand. If he wants to collect this payment in land, he

may do so, and if he wants, he can demand money. When is this the case? This is as long as the original owner is not himself in a position to buy back the field. But if the original owner is in a position to buy, he has the first right before anyone else. Rebbe assembled a *Beis Din* and they decided by vote that if the property had been in the hands of the *sikerikon* for twelve months, whoever buys it first from him has acquired it, but he must give the original owner either a quarter in land or a quarter in money. This contradicts Shmuel!?

Rav Ashi replied: The *braisa* (*when it states "a quarter in money"*) is referring to the amount after the money has come into the original owner's hands. [*It is a quarter of the total amount paid to the sikerikon and to the original owner.*]

Rav said: I was present at the counting in Rebbe's *Beis Din* and my vote was taken first.

The *Gemora* asks: How can this be? We have learned in a *Mishna*: In counting votes regarding money matters, and cases of *taharah* and *tumah*, they commence from the greatest judge. In capital punishments, they commence from the side (*where the less distinguished judges sat*).?

Rabbah the son of Rava, or as some say, Rabbi Hillel the son of Rabbi Valas said: The voting at Rebbe's *Beis Din* was different, as in all cases, it commenced from the side. 958b – 59a)

### DAILY MASHAL

#### Child Prodigy

The *Gemora* related the following incident: Rabbi Yehoshua ben Chananiah once happened to go to the great city in Rome, and he was told there that there was in the prison a child with beautiful eyes and face and his curly hair was arranged in locks. He went and stood at the doorway of the prison and said, "*Who gave Yaakov over for spoil and Israel to the plunderers?*" The child answered (*by continuing the*

verse mentioned by Rabbi Yehoshua), “Is it not Hashem? It is on account of this; we have sinned against Him, and our fathers did not want to go in His ways, neither did they listen to His Torah.” Rabbi Yehoshua ben Chananiah said: I feel sure that this child will be a teacher in Israel. I swear by the Temple service that I will not move from here before I ransom him with whatever price that they demand for him. They said that he did not leave the spot before he had ransomed him with a huge amount of money, and it was not too long afterwards before he became a teacher in Israel. Who was he? He was Rabbi Yishmael ben Elisha.

The question is asked: What was so exceptional about the boy’s answer that Rabbi Yehoshua ben Chananiah declared that he was certain that this child will grow up to be a tremendous Torah scholar?

The Vilna Gaon explains based on the following *Gemora* in Brochos (4a): It is written: “*Ad ya’avor amecha Hashem; ad ya’avor am zu kanisa.*” *Until your people pass through, Hashem; until this people that You have acquired pass through. Until your people pass through, Hashem* is in reference to the first time that the Jewish people entered *Eretz Yisroel (in the times of Yehoshua)*. *Until this people that You have acquired pass through* is in reference to the second time that the Jewish people entered *Eretz Yisroel (in the times of Ezra)*. From here, the *Chachamim* have said: The Jewish people deserved that a miracle should be performed for them at the time of Ezra (*when they were crossing the Jordan River into Eretz Yisroel*) in the same manner that happened to them in the times of Yehoshua. However, due to their sins, they lost this reward.

Accordingly, it can be said that this is what Rabbi Yehoshua was asking: *Who gave Yaakov over for spoil and Israel to the plunderers?* Although the Jewish people were on a low level when they entered Bavel (*as the name Yaakov connotes*), but why weren’t they redeemed with a complete redemption (*when they were on a higher level, as the name Israel connotes*)?

The child answered: *It is on account of this (zu); we have sinned against Him.* By the second redemption, it is written *zu*, this; and since we have sinned, we lost the reward that we originally deserved.

#### QUESTIONS AND ANSWERS FROM YESTERDAY’S DAF to refresh your memory

Q: Why is Eretz Yisroel referred to as “Eretz Tzvi” -- “land of the deer”?

A: Just as a deer who is killed would not be able to have all of its meat that was taken out of its body put back into its skin (*which is too small to contain the meat after death*), so too is Eretz Yisroel. When people are living there (*as in when the deer is alive*), there is a lot of space. When they are not, the land is small.

Q: Who were the grandchildren of *Sancheirev* who taught Torah in public?

A: Shmaya and Avtalyon.

Q: What two things should one not demonstrate upon himself?

A: *Shechitah* and *tzara’as*.