

Daf Notes

Insights into the Daily Daf

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Daily Daf

Mishna

The valuing (*and sale*) of (*the property of*) orphans is thirty days (*in order to collect from it their father's debt, the impending sale is announced by the court during for thirty days, in order to attract potential buyers and thus enhance their price*), and the valuing (*and sale*) of *hekdesh* (*by the treasurers*) is for sixty days. And they announce in the morning and in the evening. (21b)

Proclamations in Morning and Evening

The *Gemora* asks: Why in the morning and in the evening?

Rav Yehudah said in the name of Rav: It is at the time when the workers leave work and at the time when they enter their work.

The *Gemora* explains: At the time when the workers leave, for there may be someone desirous of buying, who would say to them, "Go and inspect it for me." At the time when they enter their work, so that he may remind himself of what he had told them and ask them. (21b)

Notification Period

The *Gemora* cites a *braisa*, which records a dispute about the notification time given when selling land of orphans or redeeming consecrated land. Rabbi Meir says the land of orphans is given 30 days, while consecrated land is given 60 days. Rabbi Yehudah says the land of orphans is given 60 days, while consecrated land is given 90 days. The Sages say both types of land are given 60 days.

Rav Chisda quoted Avimi ruling that 60 days are given when selling orphans' land.

When Rabbi Chiya bar Avin related this ruling, Rav Nachman bar Yitzchak asked him if he said 60 or 30 days, and he answered 60. He then asked if he was ruling about orphans' or consecrated land, and he answered that he was talking about orphans'. He then asked if he was following Rabbi Meir or Rabbi Yehudah, and he answered Rabbi Yehudah. He then challenged him, as Rabbi Meir says 30 days for orphans' land. Rabbi Chiya answered that Rav Chisda said that he received strikes from Avimi due to his difficulty with the statement, until Avimi explained that Rabbi Meir says that 30 days is sufficient if an announcement is made each day. However, if announcements are made only on Monday and Thursday, 60 days are necessary. Although this is

still less announcements than 30 consecutive days, the length of time enables word to travel enough to be a full notification. (22a)

Collecting from Orphans

Rav Yehudah quotes Rav Assi saying that the court only resorts to selling the land of minor orphans if they have an outstanding interest-bearing loan, to avoid the loss of the accumulated interest. Rabbi Yochanan says the court also sells their land to pay the widow's *kesuvah*, to avoid the loss of having to support her in the interim.

The *Gemora* explains that Rav Assi does not consider supporting the widow to be a loss, as they receive her income in return, while Rabbi Yochanan says that sometimes her income is not sufficient to pay for the support, causing the orphans a net loss.

The *Gemora* attempts to disprove Rav Assi from the following sources:

1. The *Mishna* said that the court gives notification for thirty days when selling orphans' land. The *Gemora* says that this must be a case of paying back a Jewish creditor, as a non-Jewish one wouldn't wait for thirty days without accumulating more interest. The court would not enforce an interest-bearing loan from a Jew, so the *Mishna* must be referring to a non-interest bearing loan. Rabbi Yochanan can explain the *Mishna* to refer to a case of selling to pay the *kesuvah*, but how can Rav Assi explain it? The *Gemora* explains that although the widow loses her support as soon as she claims her *kesuvah*, once the court got involved to adjudicate her *kesuvah*, they continue by selling the orphans' land. The *Gemora* answers that the case is a non-Jewish creditor, who agrees to defer the interest during the notification period, but not until the orphans grow up.
2. The *Gemora* cites a *Mishna* which says that a debt collected from orphans can only collect from the lowest quality land. The *Gemora* says that this must be a case of paying back a Jewish

creditor, as a non-Jewish one wouldn't agree to low quality land. Once again, it must be a non-interest bearing loan, as otherwise the court wouldn't enforce it. Rabbi Yochanan can explain it to refer to paying a *kesuvah*, but how can Rav Assi explain it? Rav Assi challenges this, as *kesuvah* is collected from low quality land even from the husband, and not just from orphans, but Rabbi Yochanan says that this *Mishna* follows Rabbi Meir, who says that a husband must pay his *kesuvah* with medium quality land. The *Gemora* answers that the case is a non-Jewish creditor, who agrees to take low quality land, but not to defer the interest until they orphans grow up.

3. The *Gemora* cites a *braisa*, which details that the court announces about a sale of orphans' land, to pay the widow's *kesuvah* or a creditor's loan. The *Gemora* says that we can explain the case of a creditor as before, referring to a non-Jew, who agrees to defer the interest during the notification period only, but how can Rav Assi explain the case of *kesuvah*? The *Gemora* answers that the case is when the deceased acknowledged that he didn't pay the *kesuvah* before he died. We therefore have no reason to not collect, as he was definitely obligated. The *Gemora* says that once we gave this case for this question, we can use this to answer the earlier questions as well.

Meraimar collected from orphans' land to pay the *kesuvah* of a divorcee. Ravina asked Amaimar why Meraimar did this, as even Rabbi Yochanan only allows collecting from the orphans' land for a *kesuvah* only to avoid paying support, which is only due to a widow, but not a divorcee. He answered that his version of Rabbi Yochanan was that he allowed collecting for the *kesuvah* to enhance women's view of marriage, which would apply equally to a divorcee.

Rav Nachman said that he originally wouldn't collect from orphans' land to pay debts. Once he heard Rav Huna quote Rav cursing orphans who profit from land

that is not rightfully theirs to follow in the path of their deceased father, he started collecting.

The *Gemora* asks why he originally did not collect.

Rav Pappa says that paying a debt is purely a *mitzvah*, but not a formal obligation on the land, and orphans who are still children have no requirement to fulfill this *mitzvah*.

Rav Huna the son of Rav Yehoshua says that we are concerned that perhaps their deceased father already gave cash to the creditor, but had not yet retrieved the contract.

The *Gemora* explains that the difference between these two reasons would be a case where we know that the deceased was obligated, either because he acknowledged so before his death, or because the court had sanctioned him for non-payment, and he died while still sanctioned.

The *Gemora* says that the scholars in Eretz Yisrael sent a message saying that we could answer all the earlier questions on Rav Assi by saying they are cases where the deceased died while still sanctioned for non-payment.

The *Gemora* rules like Rav Huna the son of Rav Yehoshua.

The *Gemora* challenges Rav Pappa from the *Mishna*, which discusses the notification period when selling the orphans' land. As earlier, the *Gemora* narrows this case down to a Jewish creditor who isn't charging interest, and yet the court collects. Rav Huna can explain this case as one where the deceased acknowledged his outstanding obligation.

Rav Pappa answers that this case is either one where the court is collecting the *kesuvah*, which must be paid to enhance women's view of marriage, and not just for the *mitzvah*, or a case of a non-Jewish debtor, who agrees to defer interest only until the land is sold.

The *Gemora* challenges Rav Pappa from the *braisa* which says that notification when selling is done to pay a creditor or a *kesuvah*. Rav Huna can explain both cases as ones where the deceased acknowledged the outstanding obligation. Rav Pappa can explain the case of *kesuvah*, as we collect to enhance women's view of marriage, but how can he explain the case of a creditor, who we assume to be Jewish (as before)?

Rav Pappa again answers that it is a case of a non-Jewish creditor, who agrees to defer interest only until the land is sold.

Rava says that we are concerned that their deceased father had a receipt of payment, which the orphans don't know about.

Rav Huna challenges Rava's concern from the *Mishna* which says that a woman collecting her *kesuvah* in her ex-husband's absence must swear before collecting.

Rabbah quotes Rav Nachman saying that this applies to any creditor. If we are concerned about a receipt, we shouldn't allow them to collect in the debtor's absence.

Rava answers that the reason for allowing such collection is to prevent a debtor from avoiding payment by fleeing.

Rava rules that we do not collect from orphans' land, unless the deceased said to pay the debt. If he specified what land or money to pay, the court collects from these, with no need for an executor, but if he didn't specify, the court collects, using an executor to choose low quality land for payment.

They said in *Nehardea* says that the always appoints an executor, unless witnesses testify that land of the deceased was not his. Once we believe the witnesses, we simply return that land, with no need for an executor. Rav Ashi rules like *Nehardea*. (22a – 22b)