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Gittin Daf 8

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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

Perforated Pot

Rabbi Zeira said: A perforated pot that is resting on pegs (and the question is whether the plant in it is subject to ma’aser, seeing that it does not touch the ground) is subject to the dispute between Rabbi Yehudah and the Rabbis. [R’ Yehudah, who holds that a plant on a river is not subject to the laws of ma’aser, will likewise hold that a plant suspended in the air, is not subject to the laws of ma’aser. The Rabbis will disagree and maintain that it is treated as if it is on the ground.]

Rava said: Perhaps this is not so, for Rabbi Yehudah did not say there (that a plant on a river is not subject to the laws of ma’aser) except regarding a boat, for it is meant to be in motion, but a (plant in a) pot, which is not meant to be in motion, no (and R’ Yehudah would maintain that although it is suspended in the air, it is nevertheless regarded as if it is resting on the ground). Alternatively (we can argue), perhaps the Rabbis did not say there (that a plant on a river is subject to the laws of ma’aser) except regarding a boat, for there is no air interposing (between the plant and the ground), for water is regarded like thick earth, but a (plant in a) pot, where air interposes, no (and the Rabbis would maintain that since it is suspended in the air, it is not subject to the laws of ma’aser). (7b3 – 8a1)

The Northwestern Border of Eretz Yisroel

Rav Nachman bar Yitzchak says: There is no argument regarding (a get written on) the rivers of Eretz Yisroel (that they have the status of Eretz Yisroel). The argument is regarding the Great Sea (the Mediterranean), for it was

taught in a *Baraisa*: What is considered Eretz Yisroel and what is considered outside of Eretz Yisroel? [*Rashi explains that the Torah states that the northwestern border of Eretz Yisroel is a mountain called “Hor Ha’Hor” – this is part of the Mountains of Amnon. The Baraisa is trying to determine if the border is at the mountaintop or at the bottom of the mountain.*] Whatever slopes inwards (i.e., south - towards Eretz Yisroel) from the top of the Mountains of Amnon is inside of Eretz Yisroel, and whatever slopes outward (i.e., north – away from Eretz Yisroel) from the top of the Mountains of Amnon is outside of Eretz Yisroel. The islands in the Sea (*in the west*) are looked upon as if there is a string stretched (*marking the border*) from the Mountains of Amnon to Nachal Mitzrayim. From the string inwards (towards the east) is Eretz Yisroel, and from the string outwards (towards the west) is outside Eretz Yisroel. Rabbi Yehudah says: Whatever (part of the sea) is opposite (i.e., due west of) Eretz Yisroel is regarded as Eretz Yisroel. This is as the verse states: *And for the western border, the Great Sea shall be for you (as a border), and a border, this shall be for you as the western border.* [*He maintains that any body of water directly opposite the width of Eretz Yisroel onwards is part of Eretz Yisroel.*] The status of the islands on the sides (*to the north and to the south of the coastlines of Eretz Yisroel*) are viewed as if there was a string stretched over them from Kilfurya to (westward) the Atlantic Ocean, and (another string) from Nachal Mitzrayim to (westward) the Atlantic Ocean. From each string inwards (any island between the two strings) is part of Eretz Yisroel, and from each string outwards (any island outside of them) is outside of Eretz Yisroel. [*Rav Nachman bar Yitzchak is therefore stating that there is an argument in a case where one brought a get written on the Mediterranean Sea west of the line between the Mountains of Amnon and Nachal*

Mitzrayim. According to R' Yehudah, this area is part of Eretz Yisroel, and the Baraisa therefore rules that this get is subject to the laws of Eretz Yisroel. The other Baraisa holds like the Rabbis that this area is regarded as being outside Eretz Yisroel, and therefore it rules that this get is treated like one that was written outside Eretz Yisroel.]

The Gemora asks: What do the Rabbis derive from this verse: *and a border* (quoted by R' Yehudah)?

The Gemora answers: They require it for the status of the islands. [The islands east of the line between the Mountains of Amnon and Nachal Mitzrayim are regarded as Eretz Yisroel. Without this verse, we would have thought that the Mediterranean coast is the border of Eretz Yisroel.]

The Gemora asks: And Rabbi Yehudah (why didn't he derive that these are part of Eretz Yisroel)?

The Gemora answers: He holds that a special verse is not necessary to teach the status of these islands (as they are east of the line between the Mountains of Amnon and Nachal Mitzrayim, they are obviously regarded as Eretz Yisroel). (8a1 – 8a2)

The Laws of Suria

The Mishnah had stated: Rabbi Meir said: Akko is regarded as Eretz Yisroel (with regard to gittin).

They inquired of Rabbi Chiya bar Abba: If someone sells his slave to (someone living in) Suria, is it the same as selling him to a place outside of *Eretz Yisroel* (and the slave would thereby go free)? [The Biblical Aram Tzovah and Aram Naharayim, which was conquered by David and added by him to Eretz Yisroel. This is located in what today is Syria.]

He said to them: We have learned this in our *Mishnah*: Rabbi Meir said that Akko is regarded as Eretz Yisroel (with regard to gittin). This implies that it only has this status for *gittin*, but not for the selling of slaves. Being that this is the case,

Suria is certainly not considered *Eretz Yisroel* regarding the selling of slaves, as it is very far away from Eretz Yisroel. (8a2)

The Gemora cites a *Baraisa*: In three ways Suria is like *Eretz Yisroel*, and in three ways it is like outside of *Eretz Yisroel*. [A mnemonic: A"V, V"R, R"K. (Afar – earth; eVed – slave; meiVi – brings; ma'aseR; Rotzeh – he wants; Koneh – he buys – this is my assumption.)]

1. Its earth is considered tamei like that of outside *Eretz Yisroel*.
2. Selling a slave to (someone living in) Suria is like selling a slave outside *Eretz Yisroel* (and he goes free).
3. Someone who brings a *get* from Suria is subject to the same law as someone who brings one from outside *Eretz Yisroel* (and he must declare, "It was written and signed in my presence").

In three ways it is like *Eretz Yisroel*.

1. Its produce is subject to the obligations of ma'aser and *shemittah* like the produce of *Eretz Yisroel*.
2. One who wants to enter it (Suria) in a state of purity, may enter (unlike the law regarding a land outside of Eretz Yisroel; the Gemora will explain the reason for this).
3. One who buys a field in Suria is like one who buys a field in the provinces of Yerushalayim.

The Gemora explains: Its produce is subject to the obligations of ma'aser and *shemittah* like the produce of Eretz Yisroel. This is because he holds that land captured by an individual is deemed a valid capturing. [Therefore, although Suria is not in the Biblical borders of Eretz Yisroel, its conquest by King David made it part of Eretz Yisroel.]

One who wants to enter it (Suria) in a state of purity, may enter.

The Gemora asks: Didn't you (in the Baraisa) say that its earth is considered tamei?

The *Gemora* answers: The *Baraisa* (when it states that it is possible to enter Suria and not become tamei) refers to a case where someone was carried in a carriage, trunk or closet (*and not touching the earth; thereby avoiding impurity*).

For it was taught in a *Baraisa*: If one enters the land of the nations inside of a carriage, chest or closet, Rebbe rules that he is *tamei* and Rabbi Yosi the son of Rabbi Yehudah holds that he is *tahor*. However, the *Gemora* states, even Rebbe ruled that he was *tamei* only when he enters the land of the nations, for the Rabbis decreed tumah both on its earth and on its airspace, but regarding Suria (if one enters in a carriage, he does not become *tamei*, for) on its earth they decreed (tumah), but on its airspace they did not decree.

The *Baraisa* had stated: One who buys a field in Suria is like one who buys a field in the provinces of Yerushalayim.

The *Gemora* asks: What is the halachic ramification of this?

Rav Sheishes answers: It is coming to teach us that one can write the sale document even on Shabbos. [This applies when one buys land from an idolater, and the idolater plans to depart while it is Shabbos.]

The *Gemora* asks: Can it enter your mind (that he can write it) on Shabbos (*as writing on Shabbos is prohibited according to Torah law*)?

The *Gemora* answers: Rather, it is as Rava said that one is permitted to ask an idolater to (*perform labor for him on Shabbos; this would be to benefit a sick person who is not in deathly danger*), and he will do it. So too (*regarding Suria*), one can ask the idolater (to write the sale document), and he will do it. And even though one is prohibited according to Rabbinic law from telling an idolater to perform labor for him on *Shabbos*, because of the positive command to settle *Eretz Yisroel*, they did not decree (*and it would be permitted*). (8a2 – 8b2)

Slaves

The *Gemora* cites a *Baraisa*: If a slave brings us him emancipation document, and it is written in it: “Yourself and my possessions are acquired by you” (and he testified that it was written and signed in his presence), he acquires himself (and he is free), but he does not acquire the properties. [The ruling that the agent’s testimony is reliable is a leniency that applies only to Gittin or emancipation documents; it, however, does not apply to other documents.]

The *Gemora* inquired: If the person wrote, “All my possessions are acquired by you,” what is the law? [In this case, there was but one statement; if the slave is believed regarding the emancipation, is he believed for the possessions as well?]

Abaye said: Being that he acquires all of his master’s possessions, he acquires himself as well. [The statement “all my possessions” cannot be divided.]

Rava said to him: It is understandable that he should acquire himself, as this is similar to the *get* of a woman (*that she is believed to say that the get was written and signed in her presence and the document is valid*). However, the possessions he does not acquire, for this is similar to the confirmation of documents in general (where two witnesses are required).

Abaye later said: Being that he does not acquire the possessions, he does not acquire himself (as the statement cannot be divided).

Rava said to him: It is understandable that he does not acquire the possessions because this is similar to the confirmation of documents in general (where two witnesses are required), but regarding himself, he should acquire, because it should be similar to the law of a woman’s *get*!?



Rather, Rava said: in both this case (where the document stated, "Yourself and my possessions are acquired by you") and this case (where the document stated, "All my possessions are acquired by you", the slave acquires himself (and he is free), but he does not acquire the properties. (8b2)

INSIGHTS TO THE DAF

David's Conquest

By: Rabbi Mendel Weinbach

Suria was conquered by King David and annexed to Eretz Yisrael. Did Suria thus acquire the status of Eretz Yisrael or was it still considered chutz la'aretz (outside the Land)?

This depends, says the Gemora, on whether we consider conquest by an individual as the kind of conquest which makes territory an integral part of Eretz Yisrael.

But why is David's conquest of Suria considered conquest by an individual when it was done by the king of the nation?

Rashi's explanation focuses on the manner in which this conquest was carried out while Tosefot stresses its timing.

Conquest by the nation which can transform a territory beyond the borders into the status of Eretz Yisrael, says Rashi, depends on two factors which were present in the initial conquest of the land by Yehoshua. The entire nation must be involved in the war and the territory must be acquired for the use of the nation at large. In the case of Suria the conquest was a private venture of David, utilizing only a portion of the national force and dedicated to providing territory for royal rather than national utilization.

Tosefot, however, cites a Midrashic source (Sifrei, Devarim 11:24) which criticizes David's conquest of Suria while he had still not driven out the Jebusites around Jerusalem. Said Hashem to David: "How dare you go and conquer Suria and

Mesopotamia when you have not yet conquered those near your own palace!"

On the basis of this Sifrei, Tosefot concludes that after all of Eretz Yisrael was indeed conquered, the Torah's promise that "Wherever you shall tread shall be yours" (Devarim 11:24) means that territory conquered even by an individual like David also has the status of Eretz Yisrael.

DAILY MASHAL

Settling the Land

Our Gemora tells us that the mitzvah of settling the land is important enough to override the Rabbinic prohibition of asking an idolater to perform a labor on Shabbos.

The Midrash on Megilas Rus deduces that Naomi travelled on the festival, since she arrived at her destination in Bethlehem in the beginning of the Omer harvest, i.e., the 2nd day of Pesach. The Chasam Sofer explains that Naomi relied on our Gemora that the mitzvah of living in Eretz Yisrael allowed her to travel on the festival despite the concern of travelling beyond the techum boundary, as this prohibition is a Rabbinic one.