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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 *Mishnah*: 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 *neveilos* 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.* (46b3 – 47a1)

Mishnah

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*). (47a2)

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 *Mishnah*: *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.]

What is the case of the *Mishnah*: 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 Mishnah 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 *Mishnah* 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 *Baraisa* 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 Baraisa 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).

The Gemora cites another Baraisa to support Rabbi Elozar's viewpoint: If a Jew and an idolater bought a field jointly, tevel and chullin¹ are inextricably mixed up in it;² these are the words of Rebbe. Rabban Shimon ben Gamliel says: The part belonging to the Jew is subject to the tithe, and the part belonging to the idolater is exempt. Now the extent of their difference consists in this, that the one authority [Rabbi Shimon] holds the principle of bereirah while the other does not hold the principle of bereirah, but both are agreed that an idolater can own land in the land of Israel so fully as to release it from the obligation of maser? — Here too we are dealing with a field in Surya, and this Tanna holds that the land captured by an individual is not regarded as a valid capturing.

¹ Tevel (lit., mixed) is produce which is subject to tithes but from which these have not been separated. Chulin (lit., common, unconsecrated) is produce that is free entirely from tithes, e.g., what is bought from an idolater.

² Even after they have divided between them the produce of the field, we do not assume that the share which each took eventually was intended for him from the beginning, so that the result would be that the Jew's share is wholly tevel and the

Rav Chiya bar Avin attempts to bring a proof to Rabbi Elozar from our Mishnah: 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). (47a2 – 47b2)

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

idolater's wholly chulin. This would mean the application of the principle of bereirah i.e., retrospective designation. Rebbe does not accept this principle and maintains that each share, nay, each grain, is part tevel and part chulin; and the Jew therefore must separate the tithe for his share from this very produce but not from other produce, neither can this produce be set aside as tithe for other produce.

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.

Rabbi Yochanan raised an objection against Rish Lakish [from the following]: [And you shall rejoice in all the good which Hashem has given to you] and to your house: this teaches that a man brings the *bikkurim* of his wife and makes the recital! — Rish Lakish rejoined: There is a special reason there, because the text says ‘his house’.

According to another version, Rish Lakish raised an objection against Rabbi Yochanan [by quoting to him]: And to your house: this shows that a man brings the *bikkurim* of his wife and makes the recital. This, [continued Rish Lakish,] is the rule in the case of the wife, because the text says and to your house, but in other cases not! — Rabbi Yochanan replied: I derive my reason also from the same verse.

³ In which case there is no question that the purchaser does not become owner of the soil, as he has to return the land at Yovel.

Rish Lakish challenged Rabbi Yochanan from the following *Baraisa*: 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 *Baraisa* 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 *Baraisa* teaches us that we do not take this precaution. (47b2 – 47b3)

Rabbi Yochanan and Rish Lakish are herein true to their own principles, as stated elsewhere: If a man sells his field in the period when the law of Yovel is in force,³ Rabbi Yochanan says that he brings the *bikkurim* and makes the recital, while Rish Lakish says that he brings them without making the recital. Rabbi Yochanan who says that he brings them and makes the recital takes the view that the possession of the produce is equivalent to possession of the thing, while Rish Lakish, who says

that he brings without making the recital, takes the view that the possession of the produce is not equivalent to possession of the thing.

The Gemora notes: It was necessary [to state the difference between Rabbi Yochanan and Rish Lakish] in both cases. For if it had been stated only in the latter case, I might have said that Rish Lakish rules as he does there because when the purchaser buys [the field] he actually has in mind only the produce, but in the other case, where he has in mind the land itself, I might think that he agrees with Rabbi Yochanan. If again I had only the other case I might think that there [only] Rabbi Yochanan rules in this way, but in this case he agrees with Rish Lakish. Hence [both] had to be [stated]. (47b3 – 48a1)

DAILY MASHAL

Daf Digest cites the following: The Ponevezher Rav, zt"l, would encourage people to learn diligently with the following anecdote: When the Rav learned b'chavrusah with Rav Elchonon Wasserman, zt"l, they once needed a very rare work, but could not figure out how to procure it. After thinking about this for a short time they remembered that the Chofetz Chaim, zt"l, cites this work in the Mishnah Berurah. Presumably he owned it—they were sure he would lend it to them. But when they requested this favor of the Chofetz Chaim his answer surprised them, "I never owned this sefer. When I needed it I borrowed it from the library of Reb Yaakov Broide, z"l, in Warsaw." When the Chofetz Chaim saw the surprised expressions on their faces he raked the sefarim of his room with a piercing gaze and said, "There are also too many here. Before I am pained by books I lack, I feel pain because of the books I own."

Neither Rav Kahaneman nor Rav Wasserman understood this strange seeming sentiment. After a momentary pause the Chofetz Chaim explained, "These seforim cost money and money takes time to earn. Time is life and life

is time. Even if I receive a sefer as a gift this also takes time since one owes the giver hakaras hatov and must repay this with time. Instead of using one time to learn, one spends his hours obtaining seforim to sit on his shelf."

This is the meaning of our Gemora: When Rish Lakish died he left over a kav of saffron for his heirs. He applied to his situation the verse, 'And they leave their strength to others.' Why was he so pained to leave even such a small asset for his children? The reason is precisely what I said; obtaining goods takes time and time is life. In his last moments it became clear that he would not need the saffron. This is the strength that he left for others—the time spent to acquire even the least amount of material goods.

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.