



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Gittin Daf Mem Ches

- The Gemara had stated the machlokes between **R' Yochanan** (that owning the right to a field's produce is considered owning the land itself) and **Reish Lakish** (that such a right is not like owning the land itself).
 - **Q:** A Mishna says that one who purchases a tree and its surrounding land brings bikkurim and reads the parsha. We see that although he doesn't own the land (since it must be returned at Yovel) he is considered to own it (since he reads the parsha at bikkurim). This is a proof for **R' Yochanan**!? **A:** The Mishna is discussing a time when Yovel is no longer in force, so the purchaser actually does own the land.
 - **Q:** A Mishna says that one who buys two trees in his friend's field brings bikkurim but does not read the parsha. This suggests that if he buys three trees he would even read the parsha and is a proof to **R' Yochanan** like the last Mishna!? **A:** This Mishna is also discussing a time when Yovel is no longer in force, so the purchaser actually does own the land. **A2: R' Chisda** said that the machlokes is only after the first Yovel of Klal Yisral had passed, so that everyone then realized what happens at Yovel. Based on this, **Reish Lakish** will say that the two Mishnayos are discussing the time before the first Yovel, whereas his shita was said after the first Yovel.
- **Q:** Maybe we can say that the machlokes is the same as a machlokes among Tanna'im. There is a Braisa which has the following machlokes. **R' Yehuda and R' Shimon** say that we need a pasuk to teach that if a son bought a field from his father (in which case the son only has rights to the produce, because at Yovel it goes back to the father), gave it to hekdesch, and then the father died (the field now becomes fully owned by the son), the field is treated as an inherited field given to hekdesch. **R' Meir** says, the pasuk is needed for a different case, for a case where the son bought the field, the father then died, and the son then gave it to hekdesch. The pasuk teaches that it is treated as an inherited field that was made hekdesch. We can say that the machlokes is based on the following. **R' Meir** holds that the son was considered as the owner of the field all along (the right to produce is equal to ownership of the field), and therefore when the father died nothing changes, and without the pasuk we would think to still look at the field as a purchased field instead of an inherited field. **R' Yehuda and R' Shimon** hold that he was never viewed as owning the field (the right to the produce is not ownership of the field), so when the father dies he then becomes the owner. It is certain that the field is therefore considered to be an inherited field and the pasuk is therefore only needed for the case where he gives it to hekdesch before the father dies. Based on this, they are arguing in the same machlokes as **R' Yochanan and Reish Lakish**! **A: R' Nachman bar Yitzchak** said, it may be that elsewhere **R' Yehuda and R' Shimon** hold that ownership of the produce is ownership of the field. It is only in this case that they hold differently because of the extra words of the pasuk.
- **R' Yosef** said, it must be that **R' Yochanan** holds as he does, that ownership of produce is ownership of the field. If not, another psak of **R' Yochanan** would be difficult to understand. **R' Assi in the name of R' Yochanan** said, when brothers split an inheritance, it is as if they purchased their half from the other brother (they bartered for whatever they end up with) and they return it to each other at Yovel and re-divide. Now, if that is true, every heir only owns a right to the produce and there should be no one who can bring bikkurim and read the parsha other than someone who comes from a straight line of being an only son, back to the original division of EY! Based on **R' Yochanan's** view however, we can say that they do read the parsha even though they only have rights to the produce.
- **Rava** said, the pasuk and a Braisa suggest like **Reish Lakish**. The pasuk says, when one sells a field it is done "according to the number of crop years" left to Yovel. We see that a field is sold

for the produce. The Braisa is the one that says that a bechor gets a double portion in the land that will be returned to the estate at Yovel. Now, this is only true if the father had retained ownership to the land all along (a bechor only takes a double portion of things in the possession of the estate at the time of death). This is a proof to **Reish Lakish**.

- **Abaye** said, we have a kabbalah that a husband needs authorization from his wife to represent her field in Beis Din (because he is not deemed the owner). However, this is only if the court case does not involve his right to the produce. If it does, he can represent based on his own interest, and through a miguy then represent her interests as well.

HADRAN ALACH PEREK HASHOLE'ACH!!!

PEREK HANIZAKIN -- PEREK CHAMISHI

MISHNA

- The payment to someone who was damaged is given from the "idis" (the highest quality land). The payment for a loan is given from "beinanis" (from the average quality land). The payment to a woman for her kesubah is given from the "ziburis" (from the inferior land). **R' Meir** says that the kesubah is also paid from the beinanis.
- A creditor does not collect for his debt from encumbered lands if the debtor still is in possession of unencumbered lands, even if those unencumbered lands are ziburis.
- When a creditor is collecting from orphans (i.e. from an estate for an obligation of the one who died) he only collects from the ziburis.
- If one purchased stolen land and the true owner then came and took it back, the purchaser has a right to collect from the seller the amount of produce that the seller took back with the field and for the amount that the purchaser increased the value of the field. However, these are not collected from the seller's encumbered properties. Also, the obligation of an estate to pay for the support of the deceased's wife and daughters is not taken from encumbered properties.
- One who returns a lost item need not swear (if the owner of the item claims that some of the item is missing).
- All these things were enacted for the benefit of the world.

GEMARA

- **Q:** The halacha that a damaged person collects from idis is not a takana of the **Rabanan**, it is D'Oraisa based on the pasuk of "meitav sadeihu..."!? **A:** According to **R' Yishmael** the pasuk teaches that the damaged party is paid according to the idis of his own fields, even if the damager has much higher quality fields. The **Rabanan** came along and were mesaken that the damager must pay from the idis of his own fields.
 - This view of **R' Yishmael** is in a Braisa, where he says the pasuk teaches that we must pay according to the idis of the damaged party. **R' Akiva** argues and says that the damager pays according to his own idis, and this is certainly true when Beis Din is collecting for hekdesch.
 - **Q:** Does **R' Yishmael** mean to say that even where the inferior field of the damaged party was damaged, he still gets paid with a field of the same size of idis? **A:** **R' Idi bar Avin** said, the case is that a row of produce was eaten by someone's ox and we don't know what quality of produce was eaten. Therefore, the owner of the ox must pay for a row of idis.
 - **Q:** **Rava** asked, how can that be? The burden of proof is always on the claimant to prove damages, so why would we give him idis when we don't know what was damaged? **A:** **R' Acha bar Yakov** therefore said, the machlokes is where we know how much was damaged. **R' Yishmael** says that amount must be paid using a field equal in quality to the damaged party's idis, even if the damager has higher quality fields. **R' Akiva** says the value is paid using the damager's idis.