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Intro

Today we will בע"ה learn ובי חדף מסכת גיטין of איטין of מסכת גיטין. Some of the topics we will learn about include:

A continuation of the לקיש לקיש וחנן רבי יוחנן in the case of

המוכר שדהו בזמן שהיובל נוהג

A person who sells his field completely during the period in which יובל applies;

מחלוקת ביובל שני אבל ביובל ראשון דברי הכל מביא וקורא

The Machlokes is only regarding a field that was sold from the second יובל cycle and on, but if a field was sold before the first יובל cycle completed, the would recite the Parshah.

מוכר שדה אחוזה

If a person sells a field that he had inherited, the field is returned to him when יובל arrives.

מקדיש שדה אחוזה

If a person places a הקדש on his החוזה and then שדה אחוזה sells it to another person; when יובל arrives, the שדה אחוזה is NOT returned to the original owner, but rather it is given to the Kohanim.

מקדיש שדה מקנה

If a person places הקדש on a field that he bought from someone else, and הקדש sells it to another person; when arrives, the field IS returned to the original owner.

The Machlokes תנאים regarding הקדישה ואח"כ מת אביו

If a son bought his father's field, the son then first made the field הקדש, and afterward his father died, and the son now inherited the field; is this field considered the son's שדה אחוזה?

The next Perek's Halachah of

הניזקין

שמין להן בעידית

If a person damages another person or his property, unless he pays with money, the מויים must reimburse the ניזיק from superior fields, but not with בינונית, an average field, and certainly not with דיבורית, an inferior field, because, as the Gemara later explains

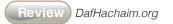
מפני הגזלנים והחמסנים

The Chachamim initiated this to prevent others from stealing and damaging property, as the מזיק will be forced to reimburse their victim with עידית.











So let's review ...

The Gemara in the previous Daf discussed the מחלוקת רבי יוחנן וריש לקיש, regarding

קנין פירות

Where the buyer owns all the פירות, while the seller retains ownership of the actual field;

רבי יוחנן holds

קנין פירות

כקנין הגוף דמי

Owning the products of something is like owning the item itself.

While ריש לקיש holds

קנין פירות

לאו כקנין הגוף דמי

Owning the product is NOT like owning the item itself.



The Gemara now wants to prove that this מחלוקת רבי יוחנן in a Braisa: עריש לקיש is actually a מחלוקת תנאים in a Braisa: We must first introduce the following Halachos: מוכר שדה אחוזה

If a person sells a field that he had inherited, the field is returned to him at יבל.

מקדיש שדה אחוזה

If a person places a הקדש on his שדה אחוזה and then הקדש and then הקדש sells it to another person, the שדה אחוזה is NOT returned to the original owner, but rather it is given to the Kohanim, at יובל.

מקדיש שדה מקנה

If a person places הקדש on a field that he bought from someone else, and הקדש sells it to another person, the field IS returned to the original owner at יובל.

From our Gemara we see that regarding מקדיש שדה אחוזה there are three types of , whish inherited fields.

1.

מת אביו

ואח"כ הקדישה

The son initially inherited the field, and was then מקדיש it. This is certainly a שדה אחוזה regarding all relevant Halachos, because it came into his possession as inheritance.









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2.

לוקח שדה מאביו ומת אביו ואח"כ הקדישה

The son first bought the field from his father who subsequently died, and he then was מקדיש it. In this case, it did not come into his possession as inheritance but as a purchase; however, it turned into an inheritance before he was מקדיש it.

Whether this field is considered a שדה אחוזה or שדה מקנה would logically depend on the following:

If we hold

קנין פירות

לאו כקנין הגוף דמי

The son has only קנין פירות before the father dies, and במיתת אביו השתא הוא דקא ירית

When the father dies the son inherits the קנין הגוף as well. Therefore, this field came into his possession as inheritance, and the field is considered a שדה אחוזה when it becomes הקדש.

However, if we hold

קנין פירות

כקנין הגוף דמי

The son already has the קנין הגוף before the father dies, and במיתת אביו הוא דלא ירית ולא מידי

When the father dies the son does not inherit anything more. Therefore, this field entirely came into his possession as a purchase, and the field is מסברא considered a מקנה. However, the Pasuk teaches us that even so it is considered a שדה אחוזה.





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3.

There is another type of שדה אחוזה;

לוקח שדה מאביו

והקדישה

ואח"כ מת אביו

He bought it, was מקדיש it, and then the father died. In this case, it was still a שדה מקנה when he was מקדיש it, and only after the הקדש did it become an inherited field.

Whether it is now considered a שדה אחוזה ש is a Machlokes: שדה אחוזה hold it IS considered the son's עדה אחוזה, and not his שדה מקנה because the Pasuk of אם את שדה מקנתו אם את שדה מקנתו

אשר לא משדה אחוזתו

The second phrase is redundant and superfluous to teach us that although this field would logically be considered a שדה מקנה, the Torah nevertheless considers it a שדה אחוזה, because

שדה שאינה ראויה להיות שדה אחוזה יצתה זו שראויה להיות שדה אחוזה

A שדה מקנה is only a field bought from a stranger, which at the time of the הקדש was not a potential שדה אחווה; but this field is not a שדה מקנה, because at the time of the שדה it WAS a potential שדה אחווה if the father dies.

However, רבי מאיר disagrees and holds that in this case of הקדישה

ואח"כ מת אביו

The field IS considered a שדה מקנה, because at the time of the שדה it was still a שדה מקנה. And the Pasuk does not refer to this case, because it is needed for the previous case of

מת אביו

ואח"כ הקדישה

To teach us that the field is considered a שדה אחוזה,

because

שדה שאינה שדה אחוזה

יצתה זו שהיא שדה אחוזה

A הקדש is only if when at the time of the שדה מקנה the field was not yet a שדה אחוזה; however this field, at the time of the שדה had already become a שדה אחוזה.





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The Gemara at this point believes that the reasoning's behind the Machlokes is as follows:

רבי יהודה ורבי שמעון hold that for the simple case of מת אביו ואח"כ הקדישה מת אביו ואח"כ הקדישה

There is no need for a Pasuk, because they hold קנין פירות

לאו כקנין הגוף דמי

And the field is מסברא considered a שדה אחוזה at the time of הקדש, as explained earlier. Therefore, the Pasuk is available for the more complex case of הקדישה ואח"כ מת אביו

To teach that this is also considered a שדה אחוזה;

While רבי מאיר holds that even for the simple case מת אביו ואח"כ הקדישה

There is a need for a Pasuk, because he holds קנין פירות

כקנין הגוף דמי

And therefore it is מסברא considered a שדה מקנה; and we need the Pasuk to teach us that it's nevertheless a שדה. Therefore, the Pasuk is not available for the more complex case of

הקדישה ואח"כ מת אביו

And it is considered as a שדה מקנה.

Therefore, the Gemara asks;

לימא כתנאי

Apparently, this לקיש לקיש וריש והנן ורבי יוחנן מחלוקת is actually a מחלוקת תנאים?

The Gemara at this point believes the reasoning's behind the Machlokes is as follows: ובי אאינ: יבי יפודפ ורבי לאן צון: Even for the simple case For the simple case of מת אביו ואח״כ הקדישה מת אביו ואח״כ הקדישה there's no need for a Pasuk there's a need for a Pasuk Because קנין פירות קנין פירות כקנין הגוף דמי לאו כקנין הגוף דמי the field is Know the field is Know שבר מקנד ע a อรูเกะ อรูใ that it's nevertheless a 25/12 238

לימא כתנאי?

The Machlokes רבי יוחנן וריץ לקיץ is actually a מחלוקת חנאים

The Gemara answers that this is not necessarily so, and they all agree that

קנין פירות

כקנין הגוף דמי

And therefore both cases require a Pasuk.

However, רבי יהודה ורבי שמעון hold that we can derive two Halachos from this Pasuk, because in addition to the phrase

אשר אחוזתו, being superfluous;

The word משדה is also superfluous, because it could have said אשר לא אחוזתו.

Therefore, the Pasuk teaches that in both cases the field is considered a שדה אחוזה.

However, רבי מאיר holds that we can only derive one Halachah from this Pasuk. Therefore, we can only use it for the simpler case of

מת אביו ואח"כ הקדישה

That it's considered a שדה אחוזה;

And we have no Pasuk available for the more complex case of

הקדישה ואח"כ מת אביו

And therefore it's considered a שדה מקנה.

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The Gemara concludes with רב יוסף who says אי לאו דא"ר יוחנן

קנין פירות כקנין הגוף דמי

If דבי יוחנן would not have said that a קנין פירות is considered קנין הגוף,

לא משכחת דמייתי ביכורים

אלא חד בר חד עד יהושע בן נון

A person would not be able to recite the Parshah of ביכורים unless he and all his ancestors were each an only child, in which they completely inherited their father's fields,

because רבי יוחנן holds

האחין שחלקו לקוחות הן

ומחזירין זה לזה ביובל

Sons who divide their father's assets are only considered buyers, as if they each bought their brothers' share in each asset. They are not considered יורשין, as if they each inherited the complete asset. Therefore, the fields must be returned and divided again after each יובל.

Because רבי יוחנן holds

אין ברירה

We don't say that the asset that each brother got was retroactively his original inheritance.

And therefore regarding מקרא ביכורים they only own a קנין in the field, for which they cannot recite the words אשר נתת לי

Because they do NOT own the actual field

However, since רבי יוחנן holds

קנין פירות

כקנין הגוף דמי

They can all recite the words אשר נתת לי, because they DO own the actual field:

הדרן עלך פרק השולח

We have B"h completed the Fourth Perek, and begin the Fifth Perek הניזקין B'ezras Hashem.

As Tosfos explains the next Perek does not relate to Hilchos Gittin, but is a continuation of the previous Perek which discusses various

תקנות חכמים

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מפני תיקון העולם

goi as says

אי לאו דא״ר יוחנן קנין פירות כקנין הגוף דמי לא משכחת דמייתי ביכורים אלא חד בר חד עד יהושע בן נון

Because you so holds

האחין שחלקו לקוחות הן ומחזירין זה לזה ביובל

Because you is holds

אין ברירה

Therefore regarding מקרא ביכורים they only own a קנין פירות in the field for which they cannot recite the words

אשר נתת לי

However, since אריי יוחן However, since אריי קנין ביירות בקנין דיקון they can all recite the words אריר נתבאי because they DO own the actual field

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הדרן עלך פרק השולח

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הניזקין

שמין להן בעידית

If a person damages another person or his property, unless he pays with money, the מויס must reimburse the ניזק from superior fields, but not with בינונית, an average field, and certainly not with יובורית, an inferior field, because, as the Gemara later explains

מפני הגזלנים והחמסנים

The Chachamim initiated this to prevent others from stealing and damaging property, as the אולן will be forced to reimburse their victim with עידית.

However

ובעל חוב

בבינונית

The Chachamim initiated that a debt is paid back with average fields, but neither with עידית nor עידית.

וכתובת אשה

בזיבורית

A husband pays his wife's Kesubah with only an inferior field, but neither with עידית חסר עידית.

רבי מאיר disagrees and says

אף כתובת אשה בבינונית

He does pay the Kesubah with בינונית.

We will review the Gemara in the next Daf.





