18.04.14; 47a (משנה ט2) → 48b (סיום הפרק)

- - I מפני חיקון העולם ביכרוים: if someone sells his field to a non-Jew in א"י, he must purchase and bring that fruit as מפני חיקון העולם
 - a the ability of a non-Jew to own land in א"י
 - i קנין: רבה <u>does not</u> obviate obligation of תרו"מ (v. 1)however he owns it for to dig, make ditches etc. (v. 2)
 - ii הרי": his ownership does obviate obligation of תרו"מ as per v. 3, however, he may not dig etc. as per v. 4
 - b proofs:
 - i משנה (פאה ד:ט) produce of עכר"ם is obligated in מתנ"ע unless he declared it הפקר
 - 1 Must be: case where the non-Jew owned the land and the Jew collected the מתנ"ע → אין קנין לגוי להפקיע
 - 2 Explanation: if the Jew owned it, his making it מתנ"ע is itself an act of הפקר
 - 3 Response: perhaps he was מפקיר only for Jews
 - ii איי. if a Jew sells his land to a non-Jew and the produce had already reached איי. וf a Jew sells his land to a non-Jew and the produce had already reached מינב they're
 - 1 implication: if they hadn't reached עונת המעשרות while owned by Jew, wouldn't be יש קנין לגוי להפקיע → חייב
 - 2 defense: could be referring to land in Syria, if we allow that כיבוש יחיד לאו שמיה כיבוש מיה לאו שמיה כיבוש
 - iii ד"א. if a Jew and non-Jew are partners in a field, their תרו"מ are:
 - 1 ה"ק mixed together (אין ברירה)
 - 2 *אשב"ג*. follow the status of the owner once they divide the produce (יש ברירה)
 - 3 defense: also refers to a field in Syria
 - iv משנה our משנה (since he only brings ביכורים because of משנה → תיקון העולם)
 - 1 Defense: there were 2 תקנות:
 - (a) When: they saw people selling and still bringing ביכורים, thinking they had done nothing wrong by selling, they made a מיכורים from that field (though one should \rightarrow אין קנין לגוי להפקיע (אין לגוי להפקיע)
 - (b) Then: in order to keep fields from ending up in hands of עכר"ם forever, made תקנה to buy and bring
 - II Tangential Discussion מקרא ביכורים over fruit of field bought for קנין פירות
 - a Note: when bringing ביכורים, the officiant, in some cases, also makes the declaration known as מקרא ביכורים
 - i Chiefly: the exceptions are non-owners of the land (e.g. sharecroppers)
 - b קנין הגוף::קנין פירות של declare →
 - c קנין הגוף::~קנין פירות since קנין הגוף:: \rightarrow don't declare
 - i challenge: v. 5 (ולביתך) allows someone to bring his wife's fruit and declare
 - 1 defense: only in that case, since it says ולביתך
 - (a) alternate version: (challenge goes to ילביתך only because of ולביתך we have him read;
 - (b) (defense: that is the source of יְקנין פירות!)
 - ii challenge: if he was on his way with his wife's fruit and heard that she died, he may bring and declare
 - 1 *implication*: only because she died (and he inherited her property) may he declare
 - 2 defense: even if she didn't die; "death" mentioned to oppose position of יוסי בר חנינא:
 - (a) *if*: an agent took ביכורים and died, the dispatcher may not pick them up and declare since "taking" and "bringing" must be done by same person קמ"ל
 - d parallel dispute: if someone sells his field during an era when יובל is practiced
 - i ביכורים. the buyer may bring and declare ביכורים
 - ii ד"ל. the buyer may bring but not declare ביכורים
 - iii *justification*: if only our dispute, א"י agrees, since he doesn't intend to occupy land at all
 - 1 and: if only the dispute re: יובל that איובל agrees, since he intends to occupy land until יובל
 - iv *challenge (to 5"7*): if someone buys two trees in another's field he may not declare
 - 1 implication: if he bought 3, he may declare → קנין הגוף::קנין פירות
 - 2 defense: only when יובל isn't operative (or at first ייבל, when people aren't thinking of automatic return)
 - 3 (attempt to align dispute with ד"ר ר"ש re interpretation of v 7 defeated; all hold קנין הגוף: קנין פירות
 - 4 note: v. 8 supports ל"ל, as does rule that a יובל gets double portion in field slated to return at יובל