דַּף יוֹמִי · עֲרָכִין · דַּף כ״ב

Daf Yomi · The Full Daf · Elucidated Talmud · Navy & Gold Edition · with Rashi

📖 THE SUGYA

This daf continues the shakla v'tarya regarding how the Beis Din manages and sells property belonging to minor orphans or consecrated property (Hekdesh). The Gemara examines the exact schedule for public announcements (akrazah) when court-administered auctions take place, resolving apparent contradictions between different Tannaim and Amoraim by distinguishing between daily announcements versus twice-weekly announcements on Mondays and Thursdays.

From there, the Gemara explores the fundamental halachic rules regarding when Beis Din is permitted to step in and sell an orphan's real estate to pay off debts. We look into the opinions of Rav Assi and Rabbi Yochanan regarding whether Beis Din only collects a debt to prevent active financial loss—such as a loan from a non-Jew accruing interest—or also to pay a widow's kesubah to stop the ongoing expense of her daily sustenance.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

עַמּוּד א׳ DAF 22A

BRAISA

תָּנוּ רַבָּנַן:

The Rabbis taught in a Braisa:

BRAISA

שׁוּם הַיְתוֹמִים שְׁלֹשִׁים יוֹם,

The duration of the **appraisal of the orphans'** property that is being sold by the court is **thirty days,**

BRAISA

וְשׁוּם הַהֶקְדֵּשׁ שִׁשִּׁים יוֹם,

and the public announcement for **the appraisal of consecrated** property that is being redeemed is **sixty days;**

BRAISA

דִּבְרֵי רַבִּי מֵאִיר.

these are **the words of Rabbi Meir.**

BRAISA

רַבִּי יְהוּדָה אוֹמֵר:

Rabbi Yehuda says:

BRAISA

שׁוּם הַיְתוֹמִים שִׁשִּׁים יוֹם,

The **appraisal of the orphans'** property is announced for **sixty days,**

BRAISA

וְשׁוּם הַהֶקְדֵּשׁ תִּשְׁעִים יוֹם.

and the appraisal of consecrated property is announced for **ninety days.**

BRAISA

וַחֲכָמִים אוֹמְרִים:

And the Rabbis say:

BRAISA

אֶחָד זֶה וְאֶחָד זֶה שִׁשִּׁים יוֹם.

Both this and that are announced for **sixty days.**

STATEMENT

אָמַר רַב חִסְדָּא אָמַר אֲבִימִי:

Rav Chisda said that **Avimi said:**

RULING

הֲלָכָה שׁוּם הַיְתוֹמִים שִׁשִּׁים יוֹם.

The **halachah is** that the **appraisal of the orphans'** property is announced for **sixty days.**

STATEMENT

יָתֵיב רַבִּי חִיָּיא בַּר אָבִין וְקָאָמַר לְהָא שְׁמַעְתָּא.

The Gemara relates: **Rabbi Chiyya bar Avin was sitting and saying this halachic statement** of Rav Chisda in the name of Avimi.

QUESTION

אֲמַר לֵיהּ רַב נַחְמָן בַּר יִצְחָק לְרַבִּי חִיָּיא בַּר אָבִין:

Rav Nachman bar Yitzchak said to Rabbi Chiyya bar Avin:

QUESTION

שִׁשִּׁים קָאָמְרַתְּ אוֹ שְׁלֹשִׁים קָאָמְרַתְּ?

Did **you say sixty** days for orphans, **or** did **you say thirty** days?

ANSWER

אֲמַר לֵיהּ: שִׁשִּׁים.

Rabbi Chiyya bar Avin **said to him: Sixty.**

QUESTION

דִּיתוֹמִים אוֹ דְּהֶקְדֵּשׁ?

Rav Nachman bar Yitzchak asked: Is this requirement of sixty days for the property **of orphans, or of consecrated** property?

ANSWER

אֲמַר לֵיהּ: דִּיתוֹמִים.

Rabbi Chiyya bar Avin **said to him: Of orphans.**

QUESTION

כְּרַבִּי מֵאִיר אוֹ כְּרַבִּי יְהוּדָה?

Rav Nachman bar Yitzchak asked: Is this ruling **like Rabbi Meir or like Rabbi Yehuda?**

ANSWER

אֲמַר לֵיהּ: כְּרַבִּי מֵאִיר,

Rabbi Chiyya bar Avin **said to him: Like Rabbi Meir.**

OBJECTION

וְהָא רַבִּי מֵאִיר שְׁלֹשִׁים קָאָמַר!

Rav Nachman bar Yitzchak challenged: **But doesn't Rabbi Meir say thirty** days for orphans' property?!

RESOLUTION

אֲמַר לֵיהּ: הָכִי אָמַר רַב חִסְדָּא:

Rabbi Chiyya bar Avin **said to him: So said Rav Chisda** in response to this very question:

RESOLUTION

מֵאֲבִימִי קוֹלְפֵי טָאבֵי בְּלַעְיָ עֲלַהּ דְּהָא שְׁמַעְתָּא,

I absorbed good lashes from Avimi over this halachic statement when I challenged him from the Braisa,

RESOLUTION

בָּא לְהַכְרִיז רְצוּפִים — שְׁלֹשִׁים.

and he explained: If the court **comes to announce** on **consecutive** days, it is announced for **thirty** days, as Rabbi Meir said.

RESOLUTION

בְּשֵׁנִי וּבַחֲמִישִׁי, שִׁשִּׁים,

However, if the court announces only **on Monday and on Thursday,** when people gather for court and market day, the announcement spans over **sixty** calendar days.

RESOLUTION

וְאַף עַל גַּב דְּכִי חָשֵׁיב לְהוּ מָר לְיוֹמֵי הַכְרָזָה לָא הָווּ אֶלָּא תְּמָנְיסַר יוֹמֵי,

And even though when the Master counts the actual days of announcement over those sixty days, **they are only eighteen days** (which is less than thirty),

RESOLUTION

כֵּיוָן דְּמָשְׁכָא מִילְּתָא שָׁמְעִי אִינָשֵׁי.

nevertheless, **since the matter is drawn out** over a two-month period, **people hear** about it and buyers will assemble.

STATEMENT

אָמַר רַב יְהוּדָה אָמַר רַב אַסִּי:

Rav Yehuda said that **Rav Assi said:**

STATEMENT

אֵין נִזָּקָקִין לִנְכְסֵי יְתוֹמִים,

The court **does not attend to the property of minor orphans** to collect a debt from their estate,

STATEMENT

אֶלָּא אִם כֵּין הָיְתָה רִבִּית אוֹכֶלֶת בָּהֶן.

unless interest was consuming the property **in their** possession (i.e., a debt to a non-Jew), where waiting will cause them financial loss.

STATEMENT

וְרַבִּי יוֹחָנָן אוֹמֵר:

And Rabbi Yochanan says:

STATEMENT

אוֹ לִשְׁטָר שֶׁיֵּשׁ בּוֹ רִבִּית, אוֹ לִכְתוּבַּת אִשָּׁה מִשּׁוּם מְזוֹנֵי.

The court attends to their property **either for a note that has interest in it, or for the kesubah of a wife because of her sustenance,** since the orphans must support her as long as her kesubah remains unpaid.

QUESTION

וְרַב אַסִּי מַאי טַעְמָא לָא אָמַר לִכְתוּבַּת אִשָּׁה?

The Gemara asks: **And Rav Assi, what is the reason that he did not say** that the court attends to their property **for the kesubah of a wife?**

ANSWER

דְּהָא תַּקִּינוּ לֵיהּ רַבָּנַן מַעֲשֵׂה יָדֶיהָ,

The Gemara answers: Because **the Rabbis enacted for** the husband (and his estate) that they receive **her earnings** in exchange for her sustenance, so the orphans lose nothing.

QUESTION

וְאִידַּךְ?

The Gemara asks: **And the other one,** Rabbi Yochanan, how does he answer this?

ANSWER

זִימְנִין דְּלָא סָפְקָה.

The Gemara answers: **Sometimes** her earnings **do not suffice** to cover her sustenance, so the orphans suffer a net loss.

OBJECTION

תְּנַן:

We learned in our Mishnah (on 21b):

OBJECTION

שׁוּם הַיְתוֹמִים שְׁלֹשִׁים יוֹם, וְשׁוּם הַהֶקְדֵּשׁ שִׁשִּׁים יוֹם,

The public **appraisal of the orphans'** property is **thirty days, and** the **appraisal of consecrated** property is **sixty days,**

OBJECTION

וּמַכְרִיזִין בַּבֹּקֶר וּבָעֶרֶב.

and we make the announcement in the morning and in the evening.

OBJECTION

בְּמַאי עָסְקִינַן?

The Gemara analyzes this Mishnah: **What are we dealing with** here when the court sells the orphans' land?

OBJECTION

אִילֵימָא בְּבַעַל חוֹב גּוֹי, מִי צָיֵית?

If we say we are dealing **with a non-Jewish creditor, will he obey** the court to wait thirty days while we announce the property?!

OBJECTION

אֶלָּא פְּשִׁיטָא בְּבַעַל חוֹב יִשְׂרָאֵל.

Rather, it is obvious that we are dealing **with a Jewish creditor.**

OBJECTION

אִי דְּקָאָכֵיל רִיבִּיתָא, מִי שָׁבְקִינַן לֵיהּ?

Now, **if** it is a case **where he is consuming interest, would we allow him** to take interest from a fellow Jew?! That is forbidden!

OBJECTION

וְאֶלָּא דְּלָא קָאָכֵיל רִיבִּיתָא, וְקָתָנֵי: נִזְקָקִין!

Rather, it must be **that he is not consuming interest, and yet** the Mishnah **teaches** that the court **attends** to the orphans' property to pay him!

OBJECTION

בִּשְׁלָמָא לְרַבִּי יוֹחָנָן, מוֹקֵי לַהּ בִּכְתוּבַּת אִשָּׁה,

Granted, according to Rabbi Yochanan, he can establish it as collecting **the kesubah of a wife** (where there is no interest, but there is financial loss due to her sustenance).

OBJECTION

אֶלָּא לְרַב אַסִּי קַשְׁיָא.

However, according to Rav Assi, it is **difficult,** as he holds we only collect for interest-bearing loans!

REFUTATION

אָמַר לְךָ רַב אַסִּי:

Rav Assi could say to you:

REFUTATION

וּלְרַבִּי יוֹחָנָן מִי נִיחָא?

And according to Rabbi Yochanan, does it work out nicely?

REFUTATION

מִי שָׁבְקִינַן מְזוֹנֵי דְּוַדַּאי קָא מַפְסְדָא,

Would we set aside the sustenance of the widow **that they are definitely losing** each day of the thirty days,

REFUTATION

וְנָקְטִינַן הַכְרָזָה דְּלָא יָדְעִינַן אִי מַרְוִיחִינַן אִי לָא מַרְוִיחִינַן?

and hold onto the announcement, where we do not know if we will gain a higher price through the thirty days **or if we will not gain?!** Surely we wouldn't delay the sale!

RESOLUTION

הָא לָא קַשְׁיָא,

The Gemara answers: **This is not difficult,**

RESOLUTION

בְּתוֹבַעַת כְּתוּבָּתָהּ בְּבֵית דִּין,

for Rabbi Yochanan can establish the Mishnah **where she claims her kesubah in court,**

PROOF

כִּדְרַב יְהוּדָה אָמַר שְׁמוּאֵל, דְּאָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל:

in accordance with what Rav Yehuda said that **Shmuel said, for Rav Yehuda said** that **Shmuel said:**

PROOF

הַתּוֹבַעַת כְּתוּבָּתָהּ בְּבֵית דִּין אֵין לָהּ מְזוֹנוֹת.

A widow who claims her kesubah in court no longer has a right to **sustenance** from the estate. Thus, during the thirty days of announcement, the orphans lose nothing!

OBJECTION

אִי הָכִי, אִיזְדַּקּוֹקֵי לָא מִיזְדַּקְּקִינַן לַהּ,

The Gemara challenges: **If so, we should not attend to her** request to collect her kesubah at all while the orphans are minors, since they suffer no loss from delaying!

RESOLUTION

אֶלָּא כֵּיוָן דְּאִיזְדַּקְּקִינַן לַהּ מֵעִיקָּרָא, מִיזְדַּקְּקִינַן לַהּ לְבַסּוֹף.

The Gemara answers: **Rather, since we attended to her initially** when she first came to court (at which point she lost her sustenance), **we continue to attend to her in the end** to sell the land for her kesubah.

OBJECTION

מִכָּל מָקוֹם, לְרַב אַסִי קַשְׁיָא!

In any case, according to Rav Assi, the Mishnah remains **difficult!**

RESOLUTION

לְעוֹלָם בְּבַעַל חוֹב גּוֹי, שֶׁקִּיבֵּל עָלָיו לָדוּן בְּדִינֵי יִשְׂרָאֵל.

The Gemara answers: **Actually,** we are dealing **with a non-Jewish creditor who accepted upon himself to judge by Jewish law** to wait for thirty days of announcement.

OBJECTION

אִי הָכִי, רִבִּית נָמֵי לָא לִישְׁקוֹל!

The Gemara asks: **If so,** he should **also not take interest** according to Jewish law, so why does Rav Assi say the court attends only if interest is accruing?!

RESOLUTION

שֶׁקִּיבֵּל עָלָיו לָזוֹ, וְלֹא קִיבֵּל עָלָיו לָזוֹ.

The Gemara answers: We are dealing with a non-Jew **who accepted upon himself this** stringency (to wait for the announcement), **but did not accept upon himself that** prohibition (to waive the interest).

OBJECTION

תָּא שְׁמַע:

Come and hear a proof against Rav Assi from a Mishnah (Bava Basra 107a):

OBJECTION

"אֵין נִפְרָעִין מִנִּכְסֵי יְתוֹמִים אֶלָּא מִן הַזִּיבּוּרִית".

"We do not collect debts **from the property of orphans except from worst-quality land."**

OBJECTION

בְּמַאי עָסְקִינַן?

The Gemara analyzes this: **What are we dealing with?**

OBJECTION

אִילֵּימָא בְּבַעַל חוֹב גּוֹי — מִי צָאֵית?

If we say it is **a non-Jewish creditor — will he obey** the Jewish rule to take only worst-quality land?!

OBJECTION

אֶלָּא פְּשִׁיטָא בְּבַעַל חוֹב יִשְׂרָאֵל.

Rather, it is obvious that it is **a Jewish creditor.**

OBJECTION

אִי אָכֵיל רִיבִּיתָא — מִי שָׁבְקִינַן לֵיהּ?

If he is consuming interest — would we allow him to take interest?!

OBJECTION

אֶלָּא דְּלָא אָכֵיל רִיבִּיתָא, וְקָתָנֵי: נִזְקָקִין!

Rather, it must be **that he is not consuming interest, and yet it teaches** that the court **attends** to orphans to collect from them!

OBJECTION

בְּשְׁלָמָא לְרַבִּי יוֹחָנָן, מוֹקֵי לַהּ בִּכְתוּבַּת אִשָּׁה,

Granted, according to Rabbi Yochanan, he can establish it as collecting **the kesubah of a wife;**

OBJECTION

אֶלָּא לְרַב אַסִּי קַשְׁיָא.

however, according to Rav Assi, it is difficult!

REFUTATION

אָמַר לְךָ רַב אַסִּי:

Rav Assi could say to you:

REFUTATION

וּלְרַבִּי יוֹחָנָן מִי נִיחָא?

And according to Rabbi Yochanan, does it work out nicely?

REFUTATION

אִי כְּתוּבָּה, מַאי אִירְיָא מִיַּתְמֵי?

If it is a **kesubah, why specify** that she collects **from orphans** from worst-quality land?

REFUTATION

אֲפִילּוּ מִינֵּיהּ דִּידֵיהּ נָמֵי בְּזִיבּוּרִית!

Even from the husband **himself,** a kesubah is collected **from worst-quality land!** Why attribute this rule to orphans specifically?

RESOLUTION

הָא לָא קַשְׁיָא,

The Gemara answers: **This is not difficult,**

RESOLUTION

רַבִּי מֵאִיר הִיא, דְּאָמַר: כְּתוּבַּת אִשָּׁה בְּבֵינוֹנִית, וּמִיַּתְמֵי בְּזִיבּוּרִית.

for that Mishnah **is Rabbi Meir, who says: The kesubah of a wife** from the husband is collected **from medium-quality land, and from orphans** it was downgraded to be collected **from worst-quality land.**

OBJECTION

מִכָּל מָקוֹם, לְרַב אַסִּי קַשְׁיָא!

In any case, according to Rav Assi, it is **difficult!**

RESOLUTION

לְעוֹלָם בְּבַעַל חוֹב גּוֹי, שֶׁקִּיבֵּל עָלָיו לָדוּן בְּדִינֵי יִשְׂרָאֵל.

The Gemara answers: **Actually,** we are dealing **with a non-Jewish creditor who accepted upon himself to judge by Jewish law** (to take only worst-quality land).

OBJECTION

אִי הָכִי, רִבִּית נָמֵי לָא נִישְׁקוֹל!

The Gemara asks: **If so,** he should **also not take interest!**

RESOLUTION

שֶׁקִּיבֵּל לָזוֹ, וְלֹא קִיבֵּל עָלָיו לָזוֹ.

The Gemara answers: **He accepted upon himself this** rule, **but he did not accept upon himself that** rule.

OBJECTION

תָּא שְׁמַע:

Come and hear a proof from a Mishnah (Gittin 51b): If one says on his deathbed: "Give a field to Ploni

OBJECTION

עַל מְנָת לִיתֵּן לָאִשָּׁה כְּתוּבָּתָהּ וּלְבַעַל חוֹב חוֹבוֹ.

on condition to give the wife her kesubah and to the creditor his debt," the court collects from the orphans' estate to fulfill the condition.

OBJECTION

בְּשִׁלְמָא בַּעַל חוֹב, בֵּין מָר וּבֵין מָר — כִּדְשַׁנִּין.

Granted, as for the creditor, whether according to Master (Rav Assi) **and whether according to Master** (Rabbi Yochanan), it works out **as we answered** before (a non-Jew who accepted certain Jewish rules).

OBJECTION

אֶלָּא כְּתוּבָּתָהּ, בִּשְׁלָמָא לְרַבִּי יוֹחָנָן נִיחָא, אֶלָּא לְרַב אַסִּי קַשְׁיָא!

However, as for her kesubah, granted according to Rabbi Yochanan it is fine (we attend to a kesubah), **but according to Rav Assi it is difficult!** Why do we attend to the orphans' land for a kesubah?

RESOLUTION

הָכָא בְּמַאי עָסְקִינַן — כְּשֶׁחַיָּיב מוֹדֶה.

The Gemara answers: **Here we are dealing with** a case **where the debtor admits** before his death that he owes the debt and instructs the court to pay it.

EXPLANATION

הַשְׁתָּא דְּאָתֵית לְהָכִי, כּוּלְּהוּ נָמֵי כְּשֶׁחַיָּיב מוֹדֶה.

The Gemara notes: **Now that you have arrived at this** answer, **all of them** (the previous Mishnayos) **can also** be explained as **where the debtor admits** and commands payment, which is why the court attends to the orphans' property even without interest.

STATEMENT

מָרִימָר אַגְבֵּי כְּתוּבָּה לְגִרוּשָׁה מִנִּכְסֵי דְּיַתְמֵי.

The Gemara relates: **Mareimar collected a kesubah for a divorced woman from the property of orphans.**

QUESTION

אֲמַר לֵיהּ רָבִינָא לְאֲמֵימָר:

Ravina said to Amemar:

QUESTION

וְהָאָמַר רַב יְהוּדָה אָמַר רַב אַסִּי: ״אֵין נִזְקָקִין לְנִכְסֵי יְתוֹמִין אֶלָּא אִם כֵּן הָיְתָה רִבִּית אוֹכֶלֶת בָּהֶן״.

But didn't Rav Yehuda say that **Rav Assi said: "We do not attend to the property of orphans unless interest was consuming their property"?**

QUESTION

רַבִּי יוֹחָנָן אוֹמֵר: אוֹ לִשְׁטָר שֶׁיֵּשׁ בּוֹ רִבִּית, אוֹ לִכְתוּבַּת אִשָּׁה מִשּׁוּם מְזוֹנֵי!

And even **Rabbi Yochanan says: Either for a note that has interest in it, or for the kesubah of a wife because of her sustenance!**

QUESTION

וַאֲפִילּוּ רַבִּי יוֹחָנָן לָא קָאָמַר אֶלָּא בְּאַלְמָנָה, דְּקָמַפְסְדָא מְזוֹנֵי, אֲבָל גְּרוּשָׁה לָא!

And even Rabbi Yochanan said to attend to the land **only regarding a widow, who is losing** the orphans' money through her **sustenance; but regarding a divorced woman** who has no right to sustenance, **no,** we should not attend to her claim while

they are minors!

ANSWER

אֲמַר לֵיהּ: הָא אֲנַן דְּרַבִּי יוֹחָנָן מִשּׁוּם חִינָּא מַתְנִינַן לַהּ.

Amemar **said to him: We learn the statement of Rabbi Yochanan because of grace** (to make women attractive for marriage so men will marry them knowing their kesubah can be easily collected), which applies to a divorced woman as well!

STATEMENT

אָמַר רַב נַחְמָן:

Rav Nachman said:

STATEMENT

מֵרִישָׁא לָא הֲוָה מִיזְדַּקִּיקְנָא לְנִכְסֵי יַתְמֵי,

At first, I would not attend to the property of orphans to collect any debt from them during their minority.

STATEMENT

כֵּיוָן דִּשְׁמַעְנָא לְהָא דְּרַב הוּנָא חַבְרִין מִשְּׁמֵיהּ דְּרַב:

However, **once I heard this** statement **that Rav Huna our colleague** said **in the name of Rav:**

STATEMENT

"יַתְמֵי דְּאָכְלִי דְּלָא דִּידְהוּ לֵיזְלוּ בָּתַר שִׁיבְקַיְיהוּ",

"Orphans who eat that which is not theirs (i.e. enjoy property encumbered by their father's unpaid debts), **let them follow their deceased father who left them this property,"** meaning it is a disgrace for them,

STATEMENT

מִכָּאן וְאֵילָךְ מִיזְדַּקִּיקְנָא.

from then on I attend to the orphans' property to collect debts.

QUESTION

מֵעִיקָּרָא מַאי טַעְמָא לָא?

The Gemara asks: **At first, what was the reason** Rav Nachman did **not** attend to orphans' property?

ANSWER

אָמַר רַב פָּפָּא: פְּרִיעַת בַּעַל חוֹב מִצְוָה, וְיַתְמֵי לָא בְּנֵי מֵיעְבַּד מִצְוָה נִינְהוּ.

Rav Papa said: Paying back a creditor is a mitzvah, and orphans are not subject to perform mitzvos until they reach majority.

ANSWER

רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ אָמַר: אֵימַר צְרָרֵי אַתְּפְּסֵיהּ.

Rav Huna the son of Rav Yehoshua said: The reason is **we say** perhaps the father **handed over bundles** of money to the creditor before he died to cover the debt.

QUESTION

מַאי בֵּינַיְיהוּ?

The Gemara asks: **What is the practical difference between them?**

ANSWER

אִיכָּא בֵּינַיְיהוּ בְּשֶׁחַיָּיב מוֹדֶה,

There is a difference **between them in** a case **where the debtor admitted** right before his death that he had not paid,

ANSWER

אִי נָמֵי שַׁמְּתוּהוּ וּמִית בְּשַׁמְּתֵיהּ.

or also where **they placed him under a ban** of excommunication for not paying his debt, **and he died in his ban.** (According to Rav Papa, minors still don't pay a mitzvah; according to Rav Huna son of Rav Yehoshua, we know no money was handed over).

RULING

שְׁלַחוּ מִתָּם, דְּשַׁמְּתוּהוּ וּמִית בְּשַׁמְּתֵיהּ,

They sent a ruling **from there** (Eretz Yisrael): If **they placed him under a ban and he died in his ban,** the court attends to the orphans' property,

RULING

וְהִלְכְתָא כְּרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ.

and the halachah is like Rav Huna the son of Rav Yehoshua.

עַמּוּד ב׳ DAF 22B

PROOF

תְּנַן: שׁוּם הַיְתוֹמִים שְׁלֹשִׁים יוֹם, וְשׁוּם הַהֶקְדֵּשׁ שִׁשִּׁים יוֹם, וּמַכְרִיזִין בַּבֹּקֶר וּבָעֶרֶב.

The Gemara attempts to resolve the machlokes regarding why bais din does not collect from minor orphans' property by bringing a proof: **We learned** in a Mishnah (21b): **The assessment of** property belonging to **orphans** being sold by bais din is proclaimed for **thirty days, and the assessment of Hekdesh** is proclaimed for **sixty days, and they proclaim in the morning and in the evening.**

QUESTION

בְּמַאי עָסְקִינַן?

The Gemara asks: **What are we dealing with** in this Mishnah when bais din sells orphans' property?

OBJECTION

אִילֵימָא בְּבַעַל חוֹב גּוֹי — מִי צָאֵית?

If we say it is dealing **with a non-Jewish creditor** who demands his debt right away, would **he obey** bais din to wait thirty days while they make proclamations?

STATEMENT

אֶלָּא פְּשִׁיטָא בְּבַעַל חוֹב יִשְׂרָאֵל.

Rather, it is obvious that the Mishnah is dealing **with a Jewish creditor.**

EXPLANATION

בִּשְׁלָמָא לְרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ, מוֹקֵי לַהּ בְּשֶׁחַיָּיב מוֹדֶה,

Now, **it works out well according to Rav Huna the son of Rav Yehoshua,** who says the reason bais din does not collect from orphans is out of concern for hidden bundles of money; he can **establish** the Mishnah as referring **to where the debtor** himself **admitted** right before dying that he had not paid, so there is no concern of bundles, and thus bais din collects.

QUESTION

אֶלָּא לְרַב פָּפָּא — קַשְׁיָא!

But according to Rav Papa, who says the reason is that orphans are not obligated in the mitzva of repaying a debt, it is **difficult!** Why would bais din sell their property for a Jewish creditor at all?

ANSWER

אָמַר לְךָ רַב פָּפָּא:

Rav Papa could have **said to you** in response:

RESOLUTION

אִי בָּעֵית אֵימָא — כְּתוּבָּה מִשּׁוּם חִינָּא,

If you want, say that the Mishnah is talking about collecting a woman's **kesubah,** which bais din collects even from minor orphans **because of grace** (so women will be willing to marry).

RESOLUTION

וְאִי בָּעֵית אֵימָא — בְּבַעַל חוֹב גּוֹי שֶׁקִּיבֵּל עָלָיו לָדוּן בְּדִינֵי יִשְׂרָאֵל.

And if you want, say instead that it is indeed dealing **with a non-Jewish creditor, but one who accepted upon himself to judge according to Jewish law,** and therefore he agrees to wait for the thirty days of proclamation.

OBJECTION

אִי קִיבֵּל עָלָיו, לִינְטַר לְהוּ עַד דְּגָדְלִי!

The Gemara asks: **If he accepted** Jewish law **upon himself, let him wait for them until they grow up!** According to Rav Papa, under Jewish law bais din does not collect a debt from minor orphans!

RESOLUTION

שֶׁקִּיבֵּל עָלָיו לָזוּ, וְלֹא קִיבֵּל עָלָיו לָזוּ.

The Gemara answers: It is a case **where he accepted** Jewish law **upon himself for this** matter (to allow thirty days of public appraisal), **but he did not accept it upon himself for that** matter (to wait until the orphans reach adulthood).

PROOF

תָּא שְׁמַע: עַל מְנָת לִיתֵּן לָאִשָּׁה כְּתוּבָּתָהּ, וּלְבַעַל חוֹב חוֹבוֹ.

Come and hear another proof from a Braisa: Bais din proclaims that the land of orphans is being sold **on the condition to give the woman her kesubah and to the creditor his debt.**

QUESTION

בְּמַאי עָסְקִינַן?

The Gemara again analyzes: **What are we dealing with** here?

OBJECTION

אִילֵימָא בְּבַעַל חוֹב גּוֹי — מִי צָיֵית?

If we say it is **with a non-Jewish creditor, will he obey** the thirty-day proclamation process?

STATEMENT

אֶלָּא פְּשִׁיטָא בְּבַעַל חוֹב יִשְׂרָאֵל.

Rather, it is obvious it speaks **of a Jewish creditor.**

EXPLANATION

בִּשְׁלָמָא לְרַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ, מוֹקֵי לַהּ בְּשֶׁחַיָּיב מוֹדֶה.

Granted, according to Rav Huna the son of Rav Yehoshua, he can **establish it where the debtor admitted** before his death.

QUESTION

אֶלָּא לְרַב פָּפָּא, בִּשְׁלָמָא כְּתוּבָּה — מִשּׁוּם חִינָּא, אֶלָּא בַּעַל חוֹב קַשְׁיָא!

But according to Rav Papa, granted, a kesubah is collected **because of grace, but a creditor** collecting a regular debt is **difficult!**

RESOLUTION

לְעוֹלָם בְּבַעַל חוֹב גּוֹי, וּכְגוֹן שֶׁקִּיבֵּל עָלָיו לָדוּן בְּדִינֵי יִשְׂרָאֵל.

The Gemara answers: **Actually,** it is talking **about a non-Jewish creditor, and for instance where he accepted upon himself to judge by Jewish law.**

OBJECTION

אִי קִיבֵּל עָלָיו, לִינְטַר לְהוּ עַד דְּגָדְלִי!

The Gemara challenges again: **If he accepted** Jewish law **upon himself, let him wait for them until they grow up!**

RESOLUTION

שֶׁקִּיבֵּל עָלָיו לָזוֹ, וְלֹא קִיבֵּל עָלָיו לָזוֹ.

The Gemara answers: It is a case **where he accepted** it **upon himself for this** detail of thirty days appraisal, **and did not accept it upon himself for that** detail of waiting until adulthood.

STATEMENT

רָבָא אָמַר: מִשּׁוּם שׁוֹבָר.

Rava said a new sevara for the halachah: The reason bais din does not collect from minor orphans' property is **because of** the concern that there might be a **receipt (shovar)** that the father paid before he died, which the orphans do not know about.

QUESTION

אֲמַר לֵיהּ רַב הוּנָא בְּרֵיהּ דְּרַב יְהוֹשֻׁעַ לְרָבָא: וּמִי חָיְישִׁינַן לְשׁוֹבָר?

Rav Huna the son of Rav Yehoshua said to Rava: And are we concerned for a receipt in general when the debtor is not present?

OBJECTION

וְהָתְנַן: הַנִּפְרַעַת שֶׁלֹּא בְּפָנָיו — לֹא תִּפָּרַע אֶלָּא בִּשְׁבוּעָה.

But didn't we learn in a Mishnah (Kesubos 87a): **A woman who collects** her kesubah from her husband's property **not in his presence** (e.g., he went overseas) **shall not collect except with an oath** that she was not paid?

BRAISA

וְאָמַר רַבִּי אַחָא שַׂר הַבִּירָה: מַעֲשֶׂה בָּא לִפְנֵי רַבִּי יִצְחָק נַפָּחָא לְאַנְטוֹכְיָא, וְאָמַר: לֹא שָׁנוּ אֶלָּא כְּתוּבַּת אִשָּׁה מִשּׁוּם חִינָּא, אֲבָל בַּעַל חוֹב — לָא,

And Rabbi Acha Sar HaBirah said: An incident came before Rabbi Yitzchak Nappacha in Antioch, and he said: They only taught this rule that one collects in the debtor's absence **regarding a woman's kesubah, because of grace, but a creditor** collecting a debt—**no,** he cannot collect in his absence.

STATEMENT

וְרַבָּה אָמַר רַב נַחְמָן: אֲפִילּוּ בַּעַל חוֹב נָמֵי,

And Rabba said that **Rav Nachman said: Even a creditor also** collects his debt in the debtor's absence by taking an oath!

OBJECTION

וְאִי חָיְישַׁתְּ לְשׁוֹבָר — הָתָם נָמֵי נֵיחוּשׁ!

Rav Huna son of Rav Yehoshua concludes his kasha to Rava: **And if you are concerned for a receipt, there too** regarding a living debtor who is overseas, **let us be concerned** that he paid and wrote a receipt!

ANSWER

אֲמַר לֵיהּ: הָתָם, כִּדְאָמְרִינַן טַעְמָא, שֶׁלֹּא יְהֵא כָּל אֶחָד נוֹטֵל מְעוֹתָיו שֶׁל חֲבֵירוֹ וְהוֹלֵךְ וְיוֹשֵׁב לוֹ בִּמְדִינַת הַיָּם.

Rava **said to him: There,** regarding one who went overseas, the reason we collect with an oath is **as we say the reason: So that every person should not take his friend's money and go and settle overseas** to evade paying his debts, knowing bais din wouldn't touch his property. But by orphans, that takkanah does not apply.

RULING

אָמַר רָבָא, הִלְכְתָא: אֵין נִזְקָקִין לְנִכְסֵי יְתוֹמִין, וְאִם אָמַר: "תְּנוּ" — נִזְקָקִין.

Rava said: The halachah is that **we do not attend to the property of orphans** to pay debts; **but if** the father **said** on his deathbed **"Give"** to the creditor, **we do attend to** his property.

RULING

"שָׂדֶה זוֹ" ו"מָנֶה זוֹ" — נִזְקָקִין וְאֵין מַעֲמִידִין אַפּוֹטְרוֹפּוֹס,

If he specified: **"Give this field" or "Give this maneh (100 dinars)", we attend to** the property **and we do not appoint a guardian (apotropos)** for the orphans, because there is nothing for a guardian to argue about.

RULING

"שָׂדֶה" סְתָם ו"מָנֶה" סְתָם — נִזְקָקִין וּמַעֲמִידִין אַפּוֹטְרוֹפּוֹס.

If he said **"Give a field" without specifying, or "Give a maneh" without specifying, we attend to** the property **and we do appoint a guardian** to ensure they choose property that is best for the orphans.

STATEMENT

אָמְרִי נְהַרְדָּעֵי: בְּכוּלְּהוּ נִזְקָקִין וּמַעֲמִידִין אַפּוֹטְרוֹפּוֹס, לְבַד מִנִּמְצֵאת שָׂדֶה שֶׁאֵינָהּ שֶׁלּוֹ, דְּאַחְזוּקֵי סָהֲדֵי בְּשַׁקְרֵי לָא מַחְזְקִינַן.

The Sages of Nehardea say: In all of these cases where the father commanded to give, **we attend to** the property **and appoint a guardian, except for where a field is found not to be his** (i.e. witnesses testify the father stole it), in which case we take it back immediately without appointing a guardian, **because we do not hold witnesses to be liars.**

RULING

אָמַר רַב אָשֵׁי: הִלְכָּךְ אִזְדְּקוּקֵי לָא מִזְדַּקְקִינַן, דְּהָא אָמַר רָבָא: הִלְכְתָא אֵין נִזְקָקִין, וְאִי מִזְדַּקְקִינַן מוֹקְמִינַן אַפּוֹטְרוֹפּוֹס, דְּאָמְרִי נְהַרְדָּעֵי: בְּכוּלְּהוּ נִזְקָקִין וּמַעֲמִידִין אַפּוֹטְרוֹפּוֹס, לְבַד מִנִּמְצֵאת שָׂדֶה שֶׁאֵינָהּ שֶׁלּוֹ, דְּאַחְזוּקֵי סָהֲדֵי בְּשַׁקְרֵי לָא מַחְזְקִינַן.

Rav Ashi said: Therefore, we do not attend to orphans' property for a debt at all, **for Rava said: The halachah is we do not attend** to orphans' property; **and if we do attend** (such as when the father commanded "Give"), **we appoint a guardian** in all cases, **for the Sages of Nehardea say: In all of these cases we attend to the property and appoint a guardian, except for where a field is found not to be his, because we do not hold witnesses to be liars.**

SUMMARY

The Gemara clarifies the required duration of public announcements for selling orphans' land and Hekdesh, establishing that a thirty-day announcement period can mean sixty calendar days when announced specifically on Mondays and Thursdays. The Gemara then analyzes the opinion of Rav Assi, who holds that Beis Din does not collect debts from minor orphans' estate unless it involves an interest-bearing loan to a non-Jew, compared to Rabbi Yochanan who holds Beis Din also collects a wife's kesubah to stop the cost of her sustenance. The Sugya attempts to align our Mishnah with both views, addressing scenarios involving non-Jewish creditors who agree to Jewish court procedures, as well as a widow who forfeits her right to daily sustenance upon claiming her kesubah in court.

לְמַעֲשֶׂה WHAT TO TAKE HOME

Look at how the Gemara goes to great lengths to protect the property of yesomim. The court doesn’t just step in to pay off debts from an estate of minor orphans right away. We hold off, we wait, we make sure they aren't losing out. The Gemara even brings down a profound sevara from Rav Papa: "Pri'as ba'al chov mitzvah, v'yasmei la b'nei me'evad mitzvah ninhu", paying a debt is a mitzvah, and young orphans are not yet obligated in mitzvos! Think about what the Tanna is telling us here: the entire yesod of paying back what you owe isn't just a legal obligation or a civil matter, it's an actual mitzvah, a cheftza of avodas Hashem.

That is a massive chiddush for our daily life. When a Yid pays his rent, settles his credit card bill, pays his workers on time, or returns a favor to a friend, he shouldn't view it as just a dry financial burden or a hassle. It's a mitzvah! Hashem built the world so that being honest, paying your dues, and carrying yourself with total integrity is part and parcel of your yiras Shamayim. When you write that check or send that payment, you are fulfilling the will of Hashem just like putting on tefillin.

Take this sevara into your day today. Next time you have to pay a bill, settle a debt, or reimburse a friend, don't do it with a sigh or a begrudging heart. Take a second before you send it and have in mind: I am doing this right now because Hashem commanded me to live as an honest Yid and pay what I owe. Turn a simple transaction into a real act of avodah.