

מסכת גיטין • דף כ"ב ע"א

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THE SUGYA

In this daf, we are zocheh to delve deeper into the halachos of a perforated pot (an atzitz nakuv) and how the Torah views its connection to the ground. We begin by concluding the sugya of writing a get on a leaf inside a potted plant, exploring the Rabbinic decrees instituted to prevent a husband from invalidating the get by detaching it before delivery. From there, the Gemara transitions into the complex halachos of kinyanim (acts of acquisition), analyzing how one acquires a pot and its plants when they belong to different owners, and how the halachic status of the plants as "attached to the ground" affects the kinyan of the pot itself.

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

EXPLANATION

דשקיל ליה ויהיב ליה ניהלה.

The Gemara explains that the first Tanna permits writing a get on a leaf inside a perforated pot **as he can take it**, meaning the pot with the leaf inside it, **and give it to her**, and this constitutes a valid delivery of the get.

STATEMENT

רבא אמר פסול – גזרה שמה יקטום.

Rava says that such a get is **invalid**, because of a Rabbinic **decree lest he detach** the leaf from the pot before giving it to her, in which case the get would have been written while attached to the ground, which is invalid.

STATEMENT

עציץ של אחד וזרעים של אחר; מכר בעל עציץ לבעל זרעים – כיון שמשוה, קנה.

If there is a perforated **pot belonging to one person and plants growing in it belonging to another person**; if the **owner of the pot sold the pot to the owner of the plants**, once the buyer **pulled the pot**, he has **acquired** it, since the pot is movable property.

STATEMENT

מכר בעל זרעים לבעל עציץ – לא קנה עד שיחזיק בזרעים.

But if the **owner of the plants sold the plants to the owner of the pot**, he has **not acquired** them until he **takes possession of the plants** through an act of chazakah, because the plants are considered attached to the ground and cannot be acquired by pulling.

STATEMENT

עציץ וזרעים של אחד, ומכרו לאחר; החזיק בזרעים – קנה עציץ.

If the **pot and the plants belong to one person**, and he **sold them both to another person**; if the buyer **took possession of the plants**, he has also **acquired the pot**.

PROOF

זו היא ששנינו: נכסים שאין להם אחריות נקנין עם נכסים שיש להן אחריות – בכסף ובשטר ובחזקה.

And this is an application of that which we learned in a Mishnah: Property that does not serve as security, which is movable property, can be acquired along with property that has security, which is land, through money, through a document, or through taking possession.

STATEMENT

החזיק בעציו – אף עציו לא קנה, עד שיחזיק בפרעים.

However, if the buyer merely took possession of the pot, he has not even acquired the pot, until he takes possession of the plants, because movable property cannot be acquired through an act of chazakah.

QUESTION

נקבו בארץ ונפח בחוצה לארץ?

If a perforated pot was on the border, and its perforation was in the Land of Israel and its foliage was outside of the Land of Israel, what is the halachic status of its produce?

ANSWER

אביי אמר: בתר נקבו אזלינן.

Abaye said: We follow its perforation, and it is considered as growing in Eretz Yisrael.

ANSWER

רבא אמר: בתר נפח אזלינן.

Rava said: We follow its foliage, and it is considered as growing outside of Eretz Yisrael.

STATEMENT

בדאשרוש, כולי עלמא לא פליגי.

The Gemara notes: In a case where the plant took root in the ground through the perforation, everyone agrees that we follow the place of the roots.

STATEMENT

כי פליגי – בדלא אשרוש.

When they disagree, it is in a case where it did not take root in the ground.

QUESTION

ובדאשרוש לא פליגי?! והתנן:

The Gemara asks: And in a case where it took root, do they not disagree? But didn't we learn in a Mishnah:

PROOF

שתי גינות זו על גב זו, וירק בינתים,

If there are **two gardens, one on top of the other** on a hillside, and **vegetables** are growing **between them** on the vertical wall of earth,

PROOF

רבי מאיר אומר: של עליון. רבי יהודה אומר: של תחתון!

Rabbi Meir says the vegetables belong **to the upper** owner, because they draw nourishment from his soil, and **Rabbi Yehuda says** they belong **to the lower** owner, because they grow in his airspace. This shows they dispute a case where the roots are in one place and the foliage in another!

RESOLUTION

התם, כדקתני טעמא – אמר רבי מאיר: מה אם ירצה עליון ליטול את עפרו, אין כאן ירק!

The Gemara answers: **There**, the dispute is based on a different reason, **as the reason is taught** in that Mishnah: **Rabbi Meir said, what if the upper owner wants to take away his soil?** There would be **no vegetables here** at all, so they must belong to him.

RESOLUTION

אמר רבי יהודה: מה אם ירצה התחתון למלאות את גנתו עפר, אין כאן ירק!

And **Rabbi Yehuda said, what if the lower owner wants to fill his garden with soil?** There would be **no vegetables here** because they would be buried, so they must belong to him. Thus, their dispute is about ownership rights, not botanical definition.

QUESTION

ואפתי, בדאשרוש לא פליגי? והא תניא:

The Gemara asks: **And still, in a case where it took root, do they not disagree?** But isn't it taught in a Braisa:

PROOF

אילן – מקצתו בארץ ומקצתו בחוצה לארץ; טבל וחולין מעורבין זה בזה, דברי רבי.

If there is a **tree, part of which is in the Land of Israel and part of which is outside of the Land of Israel**; the **tevel**, which is untithed produce, **and chullin**, which is non-sacred exempt produce, **are mixed together** in every single fruit, **these are the words of Rabbi Yehuda HaNasi.**

PROOF

רבן שמעון בן גמליאל אומר: הגידל בחיוב – חייב, והגידל בפטור – פטור.

But **Rabban Shimon ben Gamliel says: That which grows in the area of obligation**, in Eretz Yisrael, **is obligated** in tithes, **and that which grows in the area of exemption**, outside the Land, **is exempt.**

QUESTION

מאי לאו, מקצת נופו בארץ ומקצת נופו בחוצה לארץ?

Is it not referring to a case where **part of its foliage is in the Land and part of its foliage is outside of the Land**, while the roots are in one place, showing they dispute a case where it took root?

RESOLUTION

לא; מקצת שרשין בארץ ומקצת שרשין בחוצה לארץ.

The Gemara answers: **No**, it is a case where **part of the roots are in the Land and part of the roots are outside of the Land**.

QUESTION

ומאי טעמא דרבן שמעון בן גמליאל?

The Gemara asks: **And what is the reasoning of Rabban Shimon ben Gamliel**, who says we can separate the fruits?

ANSWER

דמפסיק צונמא.

The Gemara answers: It is a case **where a hard rock divides** the roots all the way up the trunk, so they do not mix.

QUESTION

מאי טעמא דרב?

The Gemara asks: **What is the reasoning of Rabbi**, who says they are mixed?

ANSWER

דהדרי ערבי.

The Gemara answers: He holds **that they return and mix** inside the trunk.

QUESTION

במאי קמיפלגי?

The Gemara asks: **In what principle do they disagree?**

ANSWER

מר סבר: אוירא מבלבל, ומר סבר: האי לחודיה קאי והאי לחודיה קאי.

One Master, Rabbi, holds that the air and sap inside the tree **mixes** the nourishment, and **one Master**, Rabban Shimon, holds that **this side stands on its own and that side stands on its own**.

STATEMENT

רבי יהודה בן בתירא אומר כו':

The Gemara returns to the Mishnah's statement: **Rabbi Yehuda ben Beteira says** etc., that a get may not be written on paper from which writing has been erased.

STATEMENT

אמר רבי חייא בר אסי בשם ר' עולא, שלשה עורות הן: מצה, חיפה ודיפתרא.

Rabbi Chiyya bar Assi said in the name of **Ulla**: There are **three** stages of processed hides: **matzah**, **chipah**, and **diftera**.

EXPLANATION

מצה – במשמעו, דלא מליח ודלא קמיח ודלא אפיץ.

Matzah is as its name implies, like unleavened bread that has not been worked, namely a hide that is not salted, and not treated with flour, and not treated with gallnuts.

QUESTION

למאי הלכתא? להוצאת שבת.

For what halachic purpose is this definition relevant? For the laws of carrying out on Shabbos.

QUESTION

וכמה שיעורו?

And how much is its minimum measure to be liable for carrying it out on Shabbos?

ANSWER

כדקתני רב שמואל בר יהודה: כדי לצור משקל קטנה.

It is as Rav Shmuel bar Yehuda taught: Enough to wrap a small weight.

ANSWER

וכמה? אמר אביי: כי ריבועא דריבועא דפומבדיתא.

And how much is that? Abaye said: Like a quarter of a quarter of a weight of Pumbedita.

EXPLANATION

חיפה – דמליח, ולא קמיח ולא אפיץ.

Chipah is a hide that is salted, but not treated with flour and not treated with gallnuts.

QUESTION

למאי הילכתא? להוצאת שבת.

For what halachic purpose is this relevant? For carrying out on Shabbos.

ANSWER

וכמה שיעורו? כדתנן: עור – כדי לעשות קמיע.

And how much is its measure? As we learned in a Mishnah: For processed hide, enough to make an amulet.

EXPLANATION

דיפתרא – דמליח וקמיח, ולא אפיץ.

Diftera is a hide that is salted and treated with flour, but not treated with gallnuts.

QUESTION

למאי הילכתא? להוצאת שבת.

For what halachic purpose is this relevant? For carrying out on Shabbos.

ANSWER

וְכַמָּה שִׁיעוּרוֹ? כַּדֵּי לְכַתּוֹב עָלָיו אֶת הַגֵּט.

And how much is its measure? Enough to write a get upon it.

QUESTION

וְחֲכָמִים מִכְּשִׁירִין: מֵאֵן חֲכָמִים? אָמַר רַבִּי אֶלְעָזָר:

The Mishnah stated: **And the Sages declare it valid** to write on erased paper. The Gemara asks: **Who are the Sages?** Rabbi Eleazar said:

SUMMARY

The Gemara then moves to a fascinating discussion regarding a perforated pot situated on the border of Eretz Yisrael, where the perforation is on one side of the border and the branches are on the other. We learn of the machlokes between Abaye and Rava over whether we follow the location of the perforation or the branches to determine if the produce is obligated in terumos and ma'asros. The Gemara clarifies that this dispute applies when the plant has not taken root in the ground, and goes on to analyze adjacent cases of ownership disputes over plants growing on terrace walls, as well as a tree that spans the border of Eretz Yisrael, to understand how the roots and branches define the halachic status of the fruit.

לְמַעֲשֶׂה WHAT TO TAKE HOME

Our daf discusses a perforated pot, where the plant inside is physically separate from the earth but still draws its life and halachic status from the ground beneath it through that small opening. Even when a plant seems to stand on its own, its true identity and growth depend entirely on where it is rooted.

This is a profound lesson for our own avodah. A Yid can sometimes feel like a self-contained pot, moving through the world and managing life on his own strength. But the truth is, we only thrive when we keep our connection to our source open. If we close up that spiritual perforation—our daily learning, our heartfelt tefillah, our attachment to Torah scholars—we cut ourselves off from the very ground that feeds our neshama.

Today, make sure your connection to your Source is wide open. Before you begin your daily learning or daven Mincha, pause for ten seconds to consciously realize that you are drawing your life, your strength, and your success directly from the Aibershter.