

## A person is not that brazen

## לא חציף איניש –

### OVERVIEW

ruled, if a person takes his harvesting tools and proclaims that he bought someone's dates from his date palm and is going to harvest them, he is believed and **בי"ד** will not prevent him, even though there is no proof that the owner sold him the rights to the dates. The reason is because **לא חציף איניש** to eat fruit that does not belong to him. Therefore we assume he is telling the truth (unless the owner is present and denies selling him the rights to the dates). **תוספות** explains what the **חוצפה** would be;<sup>1</sup> is it (only) the actual harvesting of the dates, or saying publicly that he will harvest the dates (and then harvesting them).

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לאו משום דקאמר בפרהסיא איזיל ואיגדריה קאמר דלא חציף<sup>2</sup> –

**does not say** the reason of **לא חציף** is because it is a **חוצפה** to announce publicly that **איזיל ואיגדריה** (if it does not belong to you) -

דאפילו ליקט בצנעה נמי שייך לא חציף איניש<sup>3</sup> –

**For even if he gathered** the dates **quietly** the concept of **לא חציף** also applies; a person will not have the **חוצפה** to harvest דלאו דליה **even פירות** - בצנעה

**אם לא שלקחם דרך גניבה:**

**Unless he took them in a manner** which indicates that he is **stealing**. Then the rule of **לא חציף** does not apply and if **בי"ד** sees him (for instance breaking and entering someone's property in a surreptitious manner), **בי"ד** will prevent him even if he claims that he bought the rights to whatever he is taking.

### SUMMARY

The **חוצפה** is on account of the harvesting alone even without an announcement.

### THINKING IT OVER

Why did **רבי יהודה** mention that the person said **לפלניא לדיקלא** if it is a **איזיל ואיגדריה**,<sup>4</sup> even without an announcement?

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<sup>1</sup> See 'Thinking it over' in previous **איזיל ד"ה** תוספות (footnote # 7)

<sup>2</sup> If we would assume this (that **לא חציף** applies only when he makes a public announcement), then if he does not make a public announcement, but merely goes (openly) and begins to harvest someone's produce and claims (when confronted [by neighbors or **בי"ד**] that he bought the **פירות** he would not be believed.

<sup>3</sup> **תוספות** infers this from the fact that **רבי זביד** derived from the case of **רבי יהודה**, the rule of **לא חציף** regarding the case of **פירות ירדתי** where the **מחזיק** made no previous announcement [and (perhaps) since **רבי יהודה** states **לא חציף איניש** [לא חציף איניש לומר איזיל ואיגדריה לדיקלא דלאו ידיה], but does not say [דגור] [דגור] דיקלא דלאו דיליה].

<sup>4</sup> See **סוכ"ד** אות סט.