

## And developed on this field עסיקין

## ויצאו עליה עסיקין -

### OVERVIEW

אביי taught concerning a purchase that was made and it turns out that there were עסיקין involved in this property. There are different versions as to when the לוקח retains the right to nullify the sale (whether if it was bought with or without אחריות, etc.) תוספות explains what עסיקין means.

פירוש עוררין ולא אנסין<sup>1</sup> מדמפליג בין מכר באחריות ללא באחריות<sup>2</sup> –

The explanation of עסיקין is ‘contesters’<sup>3</sup>, but the interpretation of עסיקין is not אנסין, since the גמרא distinguishes between selling it באחריות and selling it without אחריות.

וכן מוכח פרק שבועת העדות (שבועות דף לא, א ושם) –

And this is also evident in פרק שבועת העדות, where the גמרא interprets the פסוק - ואשר לא טוב עשה וגומר<sup>4</sup> זה הלוקח שדה שיש עליה עסיקין –

‘And he who did not do well, etc.’, this refers to a person who buys a field, where עסיקין are involved in it. This makes sense if עסיקין means עוררין<sup>5</sup> - ואי אנסין תבא עליו ברכה:<sup>6</sup>

However if עסיקין refers to אנסין, then a blessing should come upon him, for buying this field, and why does the גמרא refer to him as עשה עשה?!

### SUMMARY

עסיקין means עוררין and not אנסים. It is commendable if someone buys a property that יצאו עליו אנסין.

### THINKING IT OVER

1. What would be the rule if יצאו עליו אנסין; can the לוקח nullify the sale?

2. Is the בעל חוב or a נגזל a מערער?

<sup>1</sup> אנסין are lawless violent people who steal property from the owners by force.

<sup>2</sup> The לוקח can demand payment if he has אחריות when the field was taken away from him legally, either by a מערער or בע"ה. However if the field was taken from the buyer illegally by force, the seller is not obligated to compensate him.

<sup>3</sup> The ‘contester’ claims that this property is legally his and it does not belong to the seller (or buyer). See ‘Thinking it over’ # 2.

<sup>4</sup> יהזקאל יח, יח.

<sup>5</sup> He is buying a field where there are עוררין who claim it is theirs. They will take him to ב"ד and he will be involved in a דין תורה which is not commendable; it is עשה עשה.

<sup>6</sup> The אנסין plan to take this property by force (from the מוכר). If he buys it because he thinks he is capable of thwarting them, then תע"ב, since he is saving the מוכר from losing his property.