

OVERVIEW of the Daf

1) Sanctifying an ancestral field during Yovel (cont.)

The Gemara concludes its defense of Rav's opinion that one who sanctifies a field during Yovel must pay fifty shekalim to redeem it.

2) Reckoning months

A Beraisa provides the source for the Mishnah's ruling that we do not reckon months with regard to Hekdesh.

The Beraisa also explains the Mishnah's final ruling.

3) **MISHNAH:** The Mishnah discusses the method for calculating how much one must pay to redeem one's ancestral land.

4) The rate of redemption

A Beraisa elaborates on the process of calculating the redemption price of an ancestral field.

Levi further describes the process of calculating the price of an ancestral field.

5) Clefts

The Gemara wonders why the clefts do not become sanctified on their own.

A possible answer is suggested but rejected.

Mar Ukva bar Chama explains that the clefts referenced in the Mishnah are not fit for planting.

Support for this interpretation is found in the Mishnah.

This interpretation is unsuccessfully challenged.

6) Clarifying the Mishnah

A Beraisa is cited that clarifies one of the Mishnah's rulings related to calculating the redemption rate of an ancestral field.

Another Beraisa elaborates on the final rulings of the Mishnah.

7) **MISHNAH:** The Mishnah discusses the laws of what happens to a redeemed field when Yovel arrives.

8) A field redeemed by one's son

A Beraisa elaborates on the halacha when a son redeems his father's ancestral field.

The derivation of the Beraisa is unsuccessfully challenged.

Rabbah bar Avuha inquires whether a daughter who redeems her father's ancestral field also restores the field to her father.

The Gemara proves that when a daughter redeems her father's field the ancestral rights are not retained.

R' Zeira asks whether a wife who redeems her husband's field retains the ancestral rights and the question is left unresolved.

Rami bar Chama inquired whether a field consecrated less than two years before Yovel goes to kohanim in Yovel if redeemed by another person.

R' Chisda answers that it does go to kohanim.

9) An ancestral field redeemed by a kohen

A Beraisa elaborates on the halacha of a kohen who redeems a consecrated ancestral field.

10) **MISHNAH:** The Mishnah discusses the laws of an ancestral field that was not redeemed before Yovel.

11) The dispute between R' Yehudah and R' Shimon

The rationale behind R' Yehudah's position is explained.

This leads to an exchange between R' Yehudah and R' Shimon regarding their respective positions. ■

Distinctive INSIGHT

The owner's redemption of the field before Yovel

הקדישה וגאלה אינה יוצאת מידו ביוכל

If a person consecrates his ancestral field and he (or his son) is the one who then redeems it, the field will remain his when the Yovel year arrives. However, if this field is redeemed by anyone else, when the Yovel year arrives the field is given to the kohanim. According to the text we find in our Mishnah, this would even be the case if the original owner then negotiates and buys the field from the one who redeemed it from the Mikdash.

Rambam (Hilchos Arachin 4:20) rules that "if the one who consecrated the field redeems the field anytime before the Yovel year, the field is returned to the owner when Yovel arrives." Ra'aved notes that the wording of Rambam seems peculiar. Why does Rambam write that the field is "returned to the one who consecrated it"? Did he not already write that the owner redeemed his field, so the field is already in his possession? Furthermore, Radba"z questions why Rambam emphasizes that the field was redeemed "before Yovel". Is this not obvious, as it is only until the Yovel that redemption is allowed? At that time if the field has not been redeemed it reverts to being the property of the kohanim. Radba"z resolves his issue by explaining that Rambam is referring to where the owner redeemed the field before Yovel, and he paid the money to the treasurer but he did not yet take possession of the land until Yovel commenced. Here, even though the land is still with the Mikdash, it will not be released to the kohanim. The owner is given credit for having redeeming it before Yovel, even though the field was not yet reclaimed.

Kesef Mishnah understands Rambam's wording in context with his subsequent ruling, that if the owner's son redeems the land, the land is returned to the father when Yovel arrives. Therefore, because Rambam here mentions that the field is returned from the son to his father, Rambam also used this same expression of "having the land return to the owner" in his opening statement, even though in this case it is the father himself who redeemed the land and who is already in possession of it.

Mirkeves HaMishnah explains that Rambam is referring to a case where the father consecrated the field, and then redeemed it. Later, he sold it to a different buyer. In this case, when Yovel comes the field is returned to the owner, and it is not distributed among the kohanim. The source for this halacha is a Beraisa on 25b, where the posuk (27:20) regarding the sale and redemption of an ancestral field is described and analyzed. The posuk says that "if he (the owner) does not redeem the field, and if he (the treasurer of the Mikdash) sells it to someone else, it will not be released at the Yovel." The implication is that only if the treasurer sells the land will it not go back to its owner at the Yovel. But, if the owner redeems his land and then sells it to another buyer, it will be returned to him at the Yovel. ■

HALACHA Highlight

Is one's son considered "someone else?"

לאחר ולא לבן

To "another" but not to the son

Reuven sold his house to Shimon but stipulated that if he returns the money he has the right to take back his house. It happened that Reuven came up with the necessary funds to buy back his house. When Shimon received the money and sold the house back to Reuven he stipulated that if Reuven ever sells his house again he may not sell it to "someone else;" rather he must sell it to Shimon. Some time later Reuven sold his house to his son. When Shimon heard he wanted to nullify his sale of the house to Reuven since he stipulated that Reuven may not sell it to "someone else" and he must sell it to Shimon. Reuven argued that selling the house to his son is not considered the same as selling the house to "someone else" and therefore the stipulation was not violated.

Divrei Malkiel¹ noted that if Shimon's stipulation that Reuven must sell the house to Shimon was not in place when Reuven initially sold his house to Shimon the stipulation has no validity whatsoever. Shimon can not add a stipulation to his sale of the house to Reuven since he was obligated to return the house to Reuven based on the original condition and as such was not in a position to make his resale of the house to Reuven conditional. After further elaborating on the issue of the circumstances necessary for Shimon's stipulation to be valid he addresses the question of whether Reuven's sale of the house to

REVIEW and Remember

1. What does one pay to redeem his ancestral field that he sanctified during the Yovel year ?

2. May a field be redeemed in installments ?

3. If a daughter redeems her father's ancestral field does she preserve his ancestral rights ?

4. What happens if Yovel arrives and a field was not redeemed ?

his son is considered as though it was sold to "someone else." He notes that our Gemara seems to indicate that one's son is not considered "someone else." The Gemara teaches that if one's son redeemed his father's ancestral field it is not considered as though it was redeemed by "another" and when Yovel arrives it goes back to his father in Yovel as though the father himself had redeemed his own field. Ultimately, he rejects this proof since there is a difference between the way the Torah uses the term "other" and the way people use that term and a stipulation between two people will be determined by the way people understand the term rather than the Torah's definition of that term. ■

¹שו"ת דברי מלכיאל ח"ה סי' קכ"ו. ■

STORIES off the Daf

The Extra Chomesh

"מה בין בעלים לכל אדם אלא בעלים נותנים
חומש..."

The Alter of Kelm, zt"l, learns an important lesson from a statement on today's daf. "Our sages teach that God first went to Eisav and Yishmael to ask if they wanted to accept the Torah. but they refused the offer. It is surely interesting that while the non-Jews who didn't accept the Torah do not commit any sin by transgressing Shabbos, a Jew who does so is punished with sekilah or at least kares! We see from here that realizing that it

was worthwhile to accept the Torah renders one obligated to keep it. This explains why God threatened the Jews with a mountain and forced them to receive the Torah. Once they had an understanding that it is worthy to accept the Torah they were forced, since this awareness made them duty-bound to fulfill what it said.

"This is also why we find that once people realized that they had lost something valuable by failing to bring a korban pesach—even though the fault was not their own—they immediately received the mitzvah-duty of pesach sheini.

"So too regarding arachin; if the original owner of land wishes to redeem land that he donated he must pay an extra chomesh, while a stranger does not.

On a simple level one would think that the opposite should be true. Why shouldn't the owner have an easier time redeeming his own field which he sanctified than a stranger would? The answer is because of his recognition of his obligation to God—for why else did he sanctify it? He must therefore pay more to redeem it."

The Alter concluded with words of chizzuk. "If one has a deeper recognition but nevertheless does not find it in his heart to act on it, he should still not regret deepening his understanding. He will be richly rewarded for developing greater understanding in any case!"¹ ■

¹מכתב יד מובא בספר ויטע אשל, ע' 31-32. ■