

OVERVIEW of the Daf

1) **MISHNAH (cont.):** The Mishnah continues to discuss the parameters of the prohibition against selling houses and fields to idolaters.

2) Clarifying the Mishnah

The Gemara explains why it is worse to rent idolaters fields than houses.

The reason we may rent houses to idolaters in Surya but not fields is explained.

The rationale behind R' Meir's ruling that outside of Eretz Yisroel we may sell houses but not fields is presented.

The reason R' Yosi permits renting houses to idolaters in Eretz Yisroel but not fields, is explained.

The rationale behind R' Yosi's ruling that in Surya we may sell houses and rent them fields is presented.

The reason R' Yosi permits the sale of houses and fields outside of Eretz Yisroel is explained.

R' Yehudah in the name of Shmuel rules in accordance with the position of R' Yosi.

R' Yosef adds that one may not sell to idolaters and make it into a neighborhood.

A Baraisa defines the size of a neighborhood.

Abaye explains why we are not concerned that the idolater will divide the property that he purchased and make it into a neighborhood.

It is noted that a ruling in the Baraisa follows the position of R' Meir.

3) Renting bathhouses to idolaters

A Baraisa elaborates on the restriction against renting bathhouses to idolaters.

The Gemara explains why it is permitted to rent a bathhouse to a Cuthean.

The reason one may rent his field to an idolater but not

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REVIEW and Remember

1. Why is it more obvious that renting fields to idolaters is prohibited than renting houses?

2. What is the point of dispute between R' Meir and R' Yosi concerning conquest by an individual?

3. Why is it permitted to rent a bathhouse to a Cuthean?

4. Why is it prohibited to rent a field to a Cuthean?

Distinctive INSIGHT

The mitzvah of mezuzah is incumbent upon the occupants

מזוזה חובת הדר היא

The Mishnah taught that one may not rent houses to idolaters, and he certainly may not rent fields to them. Actually, it is the sale of houses and of land which is problematic, and rental is prohibited as a precaution lest an owner come to sell the houses or land.

The phrasing of these laws suggests that there are more serious issues involved with the sale of land than with the sale of houses. This is why the halachah is presented in a comparative style by saying that the sale of houses is prohibited, and by logic it would follow that land is certainly prohibited to be sold.

The Gemara initially notes that it seems that in either case there are two issues which are present. Land may not be sold, because this would be a violation of the Torah's mandate which prohibits allowing a non-Jew to own land in Eretz Yisroel (לא תחנם). Furthermore, while owned by a Jew, the produce of the field was obligated to have tithes removed from it. Now that the land will be owned by a non-Jew, this obligation will be released. This is a second factor involved in selling land to a non-Jew.

It seems, though, that selling a house also involves two major issues. First of all, selling a house is a violation of the prohibition not to allow a non-Jew to own land. Secondly, while owned by a Jew, the house was obligated to have a mezuzah affixed to its door. When the house is sold to a non-Jew, the mitzvah of mezuzah will be lost for this house. If the sale of land and the sale of a house each involves two issues, why does the Mishnah imply that selling land is more of a halachic problem than selling a house?

The Gemara answers that although the house will no longer have a mezuzah on its door after it is sold to a non-Jew, the sale in and of itself is not a direct factor in this deficiency. It was not the house that needed to have a mezuzah affixed to its door, but it was rather the occupant who was obligated to have a mezuzah on the door of his residence. A mezuzah is an obligation upon the person occupying a dwelling, rather than an obligation upon the structure to have a mezuzah at its entrance. This is in contrast to a field, where the obligation to take tithes from the produce it yields is a function of the field and the fruit, no matter who buys or acquires them after the Jewish owner grows them. The sale of the field results in this mitzvah no longer

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HALACHAH Highlight

Utilizing subterfuge to exempt one's self from immersing utensils

וחדא דקא מפקע לה ממעשר

And another is that he removes from the field the obligation to separate ma'aser

Shulchan Aruch¹ cites a dispute whether it is permitted to immerse a new utensil on Shabbos. Since the matter is subject to debate he writes that one who is G-d fearing will strive to fulfill all opinions and will give the utensil as a gift to a gentile, thus exempting the utensil from needing immersion and then borrow it back to use for Shabbos. Elsewhere Shulchan Aruch² writes that if a person forgot to immerse a utensil before Shabbos or Yom Tov he should give the utensil to a gentile and then borrow it back from him. Rema³ adds that the same procedure could be followed during the week if one finds himself in a location without a mikvah. Taz⁴ writes that the allowance to give the utensil to a gentile is only effective for Shabbos or Yom Tov or when there is no mikvah available. Once Shabbos or Yom Tov has passed or a mikvah becomes available the utensil should be immersed without a beracha since the Jew has permanent use of the utensil.

Teshuvos Chelkas Yaakov⁵ questions the permissibility of transferring ownership of the utensil in order to avoid a mitz-

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being observed, and this is why selling a field to a non-Jew is more serious than selling a house to him.

Tosafos Chachmei Anglia explain that the Gemara is referring to the fact that the sale of a house to a non-Jew does not necessarily exempt the dwelling from a mezuzah, because if the new owner rents the house to a Jew, it will again be required to have a mezuzah. ■

vah. Our Gemara teaches that one is not permitted to rent a field to a gentile since by doing so one exempts the field from the obligation to separate terumos and ma'asros. Furthermore, according to many Rishonim the obligation to immerse metal utensils is Biblical and one is not permitted to use subterfuge (הערמה) to avoid Biblical commands. He answers that there is no Biblical obligation to immerse a metal food utensil purchased from a gentile. The obligation to immerse the utensil applies only if one intends on using the utensil. In this regard utensils are similar to the Gemara's statement concerning the renting of a house to a gentile. The reason this is permitted is that affixing a mezuzah is an obligation upon the occupant and if a gentile moves in there is no obligation for the structure to have a mezuzah. ■

1. שו"ע או"ח סי' שכ"ג סעי' ז.

2. שו"ע יו"ד סי' ק"כ סעי' ט"ז.

3. רמ"א שם.

4. ט"ז שם ס"ק י"ח.

5. שו"ת חלקת יעקב יו"ד סי' מ"ג אות ב'.

STORIES Off the Daf

"Do Not Bring In..."

"לא תביא תועבה בתוך ביתך..."

Acertain priest wished to visit a local shul. Since this priest was rather high ranking and also liked Jews, the congregation really did not want to upset him. On the other hand, they also did not want to do anything forbidden. Yet on Avodah Zarah 21 we find that one must not rent his home to an idolater who is certain to bring his idols into the house, defiling it. The Gemara learns this from the verse, "לא תביא תועבה בתוך ביתך." These people wanted to know if they were required to try to diplomatically tell the priest not to enter their shul, or if they were permitted to allow him to visit.

When this question was brought before Rav Tzvi Pesach Frank, zt"l, he ruled that the priest could visit the shul. "This is clear from the Rashba's response regarding a different question. He was asked if a non-Jew was permitted to eat chometz in a Jewish home on Pesach. The questioner there wonders if chometz is like idolatry which may not be allowed into a Jewish home. His response was that this is permitted, since we find that under certain circumstances a Jew may keep a non-Jew's chometz in his home.

"The Rashba continues with a statement relevant to our question. 'And even regarding idolatry; who told you that one may not allow it to be brought into his home? The only source we have—even regarding Eretz Yisrael—merely forbids a Jew to rent his house to a non-Jew who will keep idolatry in the

Jew's home on a regular basis. But if a non-Jew enters a Jewish home with his idol on his person, we do not find that the Jew must evict the non-Jew. After all, the verse says, 'לא תביא' — You shall not bring in' — not that you shall evict a non-Jew who brings this in." ■

1. שו"ת הר צבי, ח"א, סי' פ"ה, משו"ת רשב"א, ח"א, סי' קע"ז. וע"ע בשו"ת

כנסת הגדולה סי' קנ"א אות כ"ב ■

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a bathhouse is explained.

4) Renting fields to idolaters

R' Shimon ben Elazar rules that one may not rent a field to a Cuthean.

The Gemara searches for the reason this restriction applies to Cutheans but not to idolaters. ■