

OVERVIEW of the Daf

1) The dispute between R' Yehudah and R' Shimon (cont.)

The Gemara concludes the record of the exchange between R' Yehudah and R' Shimon concerning their respective opinions in the Mishnah.

2) R' Eliezer

Rabbah explains the rationale behind R' Eliezer's position.

Abaye rejects this interpretation and offers an alternative explanation for R' Eliezer's position.

The Gemara searched for the circumstances of the Beraisa cited by Abaye.

Another Beraisa is cited in support of this interpretation.

The necessity for two different expositions is explained.

The Gemara also explains the need for the word ועוד.

Rava suggests an alternative explanation of R' Eliezer's position.

The Gemara inquires whether according to R' Eliezer the owner is considered to be an "other" during the second Yovel cycle.

An unsuccessful attempt to resolve this inquiry is recorded.

A Beraisa is cited that proves that in the second Yovel cycle the owner is no different than an "other."

This conclusion is unsuccessfully challenged.

A second version of this conversation is presented.

Proof for the conclusion of the second version is presented but rejected.

3) **MISHNAH:** The Mishnah discusses the halachos related to one who sanctifies an acquired field.

4) Elaborating on the dispute in the Mishnah

A Beraisa is cited that elaborates on the dispute presented at the beginning of the Mishnah regarding one who purchased an ancestral field from his father.

A suggested explanation of the dispute is presented.

R' Nachman bar Yitzchok begins to refute this explanation. ■

REVIEW and Remember

1. How does Rabbah explain R' Eliezer's position ?

2. Why does the Torah need to write the phrase לא יגאל as well as the phrase לאשר קנהו ?

3. What does the word עוד add to the halacha that would not have been derived from the phrases לא יגאל and לאשר קנהו ?

4. Is there a limit on how long levi'im and kohanim may redeem ancestral fields ?

Distinctive INSIGHT

Limitations of consecrating a bought field

שאין אדם מקדיש דבר שאינו שלו

The Mishnah rules that if a person consecrates a field which he bought, that field does not revert to the kohanim at the Yovel. Rather, the field is returned to the original owner from whom it was bought. Rashi explains that the field only belonged to the buyer until Yovel, so he only had the power to consecrate it until Yovel, but no longer than that. It is noteworthy that the Mishnah gives an additional reason why the field is not given to the kohanim, which is also cited by Rambam (Hilchos Arachin 4:26), and that is that "a person may not consecrate that which is not his." Tosafos Yom Tov asks what this additional reason adds to our understanding, when this seems to be a clear halacha based upon the pesukim (Vayikra 27:22,24) which state that a bought field is returned to its original owner when Yovel arrives.

Tosafos Yom Tov explains based upon Tosafos (26b, ד"ה שדה) who says that the posuk is discussing a case where someone consecrated a field, and that same person later redeemed the field. The law here is clearly that the buyer, who is in possession of the field once again, returns the field back to its owner when Yovel arrives. However, the Mishnah is discussing a case where the bought field was consecrated, and it was later either redeemed by someone else, or it was not redeemed at all. In these cases where the field is currently not in the possession of the one who bought it, we might not know that the field is returned to its original owner from the Mikdash. This is why the Mishnah invokes the rule that one may not consecrate anything that is not his. The buyer had control of the field only until Yovel, but no more, so his ability to consecrate the field only extended until Yovel, but no further.

Minchas Chinuch (Mitzvah 355, #9) writes that the main source which teaches us that a bought field which was consecrated is not released to the kohanim at Yovel is the posuk which explicitly states that the field is returned to the person from whom it was bought. The reason is not, however, that the buyer lacks the power to fully consecrate the field because it is not his, although this is the reason stated in our Mishnah. A fascinating case to illustrate the distinction between these reasons is where Reuven sold his ancestral land to Shimon ten years before a Yovel year, and the sale was arranged for a sixty-year lease. The Gemara in Bava Metzia (79a) tells us that this field does not return to its owner with the onset of the first Yovel. Shimon then consecrated the field before the first Yovel. If the reason a bought field is not released to the kohanim is that Shimon may not consecrate a field that is not his, in this case Shimon has control over the field for sixty years, so the field would go to the kohanim for the fifty years following the first Yovel. If the reason, however, is a scriptural decree that a bought field does not go to kohanim, the field would stay with Shimon. The Mishnah gives the reason regarding not consecrating that which one does not own, because that is normally the case. Here, the buyer has some control over the field, and his declaration of hekdesch has validity. ■

HALACHA Highlight

"I'll never see your face again"

תלמוד לומר "עוד" לכמות שהיתה אינה נגאלת אבל נגאלת שתהא לפני כשדה מקנה

The pasuk states, "any more" meaning that it won't be redeemed as it was but it could be redeemed as a purchased field

Reuven took an oath that he would never look at Shimon's face again. Shimon died and Reuven, a member of the chevra kadisha, inquired of the author of Teshuvos Maharsham¹ whether it would be permitted for him to be involved in Shimon's taharah. In response Maharsham cited the Zohar that recounts the following conversation. R' Yasa wondered how it was possible for the Jewish People to see the Egyptians dead on the banks of Yam Suf (Shemos 14:30) when God declared that we would never see them again (Shemos 14:13). R' Yosi responded that the Jewish People saw them dead rather than alive. R' Yasa challenged this response. If God had said that they would not see them alive, he could understand R' Yosi's point but since God said that they would not ever see them, included

in that statement is even seeing them dead. This forces the Zohar to find another resolution. An important principle that could be derived from this conversation is that seeing someone who has died is still considered seeing him. Therefore, since Reuven took an oath that he would never look at Shimon again he may not see him even after he has died.

Maharsham then suggested that perhaps there is room for leniency since Reuven specified that he would not see Shimon's "face again." This wording implies that he would not see him in his current condition, meaning while alive, but perhaps he could see him after he is already dead and in a different condition. Proof to this understanding can be found in our Gemara. The Gemara explains that the phrase לא יגאל עוד – it should not be redeemed again – implies that it can no longer be redeemed as an ancestral field but it could be redeemed as a purchased field. This clearly illustrates that the term עוד is understood to refer to something in its present state or condition but it could be found in another state or condition. Accordingly, since Reuven vowed that he would not look at Shimon's face again – עוד – it would be permitted for Reuven to see him after his death. ■

¹ שו"ת מהרש"ם ח"א הג"ה במפתחות לסי' ס"ט. ■

STORIES off the Daf

The Meaning of Work

"קנין פירות לאו כקנין הגוף דמי..."

There are many people who take great pride in their worldly achievements. When asked what they do, they explain with satisfaction, "I'm in business." When asked what they accomplish by their work, they will likely explain in a surprised manner that through working they "put food on the table." The Alter of Kelm, ז"ל, points out that this seems a bit strange on the surface.

"If someone was asked how he occupies himself daily, he would never reply that he eats all day, since this would be embarrassing to him. So why are people so proud to declare that they are in business? Aren't they also saying that they are involved in the material world for the sake of materialism, which is basically the same as saying that one eats all

day?

"The answer is that there is an essential difference between the two. People are pleased that they work because 'humans were created to toil,' as we find in Sanhedrin.¹ And in Bava Metzia we find that one who does not work becomes weak.² Since it is human nature to despise pointless toil, it certainly makes sense to feel a sense of accomplishment in one's work.

"Nevertheless, a person should know that if his work has no spiritual content, in a certain way it is as if he works for nothing. One must work hard to work for the sake of heaven, for the sake of giving charity, helping his family and so that he should be healthy and more able to serve God. The more he works l'shem shamayim the more his work has true content and meaning."³

The Atzei Chaim, ז"ל, brings that the Chovos HaLevavos teaches a similar lesson and connects it to a statement on today's daf. "The Chovos HaLevavos writes that when a person toils to do a

mitzvah or good deed, he is truly working for himself. But one involved in the physical world is considered to have worked for others since such work is merely a transient acquisition.⁴

"Yet one may wonder if this is the case, how can we say when bringing bikkurim, 'האדמה אשר נתת לי'; isn't that false since the physical world is not really ours? The answer is that when it comes to fulfilling mitzvos we do have ownership of the material world. This explains the statement in Arachin that, 'קנין פירות לאו כקנין הגוף דמי.' This can be understood to mean that an acquisition of physical fruits is not really one's property in a true sense. Yet God gives us the land so we can fulfill mitzvos like bikkurim on it."⁵ ■

¹ סנהדרין, דף צ"ט

² ב"מ דף ע"ז

³ בית קלם, ע"ת יז-ת"ח

⁴ חובות הלבבות, סוף שער הבחינה

⁵ עצי חיים, כי תבא ■