

OVERVIEW of the Daf

1) Kohanic charamim

A Beraisa elaborates on the topic of kohanic charamim and the status of cherem property before it is given to a kohen.

2) The dispute between R' Yehudah ben Besairah and Rabanan

The Gemara clarifies what R' Yehudah ben Besairah does with the phrase כשדה החרם.

The exchange between R' Yehudah ben Besairah and Rabanan is recorded.

Rav rules in accordance with R' Yehudah ben Besairah's position.

The reason Rav seemingly follows the minority opinion is explained.

A related incident is recorded.

R' Yehudah's ruling that one could deconsecrate all his properties on four zuz is analyzed.

Ulla relates that had he been present when the incident occurred he would have given the property to kohanim.

The Gemara unsuccessfully challenges the implication that according to Ulla unspecified cherems are given to kohanim.

3) MISHNAH: The parameters of sanctifying a bechor are discussed.

4) Clarifying the dispute

The Gemara explains how Rabanan explain the phrase cited by R' Yishmael.

R' Yishmael's response is recorded.

הדרן עלך המקדיש שדהו

5) MISHNAH: The Mishnah discusses the parameters of redeeming an ancestral field that was sold.

6) The prohibition against redeeming before two years

The Gemara infers from the wording of the Mishnah that it is prohibited for the seller to even make an effort to redeem the ancestral field before two years passed from the sale.

7) Selling an ancestral field during Yovel

Rav and Shmuel disagree whether a sale of an ancestral field during Yovel takes effect.

The reasonings behind their respective positions are explained.

Rav's position that the sale is effective is unsuccessfully challenged.

R' Anan notes that he heard two rulings from Shmuel but does not recall in which case the payment is returned and in which case the payment is not returned.

R' Yosef resolves R' Anan's uncertainty. ■

Distinctive INSIGHT

The prohibition not to buy back the field within two years

אינו גואל לא קתני אלא אינו מותר לגאול, אלמא קסבר איסורא נמי איכא, דאפילו קרקושי זוזא נמי אסור. ולא מיבעיא מוכר וכו'.

One who sells his field during the time when Yovel is in effect may not redeem it less than two years later (Vayikra 25:14-16). The Gemara proves that redeeming one's land within the first two years would be a formal violation of a Torah law. This lesson is derived from an analysis of the wording of the Mishnah which does not simply say that one should not redeem the field during the first two years, but it instead says that "it is not permitted to redeem it."

In his sefer on the Sefer Mitzvos of R' Saadia Gaon, R' Yerucham Perlow, ז"ל, notes that it is peculiar that the Gemara arrives at this conclusion using an insight into the wording of the Mishnah, when the Mishnah states clearly that it is prohibited to redeem the field during the first two years. Furthermore, the Gemara determines that it is also prohibited for the owner to "shake coins" in the vicinity of the buyer. Rashi explains that the owner is not allowed to pressure the buyer to accept the money to redeem the land during this period. This implies that the owner is in violation of this halacha even if the buyer does not acquiesce and the field is not returned.

We have to understand the source for this halacha, as the Torah seems to say only that the field must remain with the buyer for a minimum of two years. It is not reasonable to suggest that the issue of shaking the coins is "לפני עור" – not to place a stumbling block before another Jew to cause him to sin," because that is a universal rule, and the Gemara would not be illustrating it in this context. In addition, if this was the case, it would also be prohibited for the buyer to encourage the owner to redeem the land early, but the Gemara only expresses this halacha in terms of the owner trying to redeem the land too early from the buyer.

R' Y. Perlow explains that the words of the Mishnah which state that the field shall not be redeemed within the first two years might have simply meant that the buyer has the right and privilege to stay in the field for a full two years, and the buyer should not pressure him to leave. If the owner does coerce the buyer to give the field back, the owner would be guilty of coveting (לא תחמוד), even if he pays for it. However, at this point we would believe that if the buyer and owner both agree to return the field early, this would be permitted. This is why the Gemara derives from the Mishnah's wording that there is an objective prohibition to return the field before two years, even if both parties agree. Furthermore, shaking of the money is only a problem if the field is redeemed early, whether the buyer sells the field back willfully or due to pressure. If it is done by coercion, the owner has coveted. However, it is still not allowed even if the buyer agrees. ■

HALACHA Highlight

Selling land to Yishmaelim in Eretz Yisroel

אין גר תושב נוהג אלא בזמן שהיובל נוהג
The law of ger toshav applies only when yovel is observed

Shulchan Aruch¹ rules that if a gentile who is not an idolater touches wine it is prohibited to drink but permitted for benefit. Taz² explains that Shulchan Aruch's intent was Yishmaelim who are not idolaters and this halacha is derived from the halacha of the ger toshav who also prohibits the wine for drinking but does not prohibit it from benefit.

Shulchan Aruch³ rules that it is prohibited to sell land to a gentile in Eretz Yisroel. Taz⁴ writes that the origin of this halacha is the pasuk that states (Devarim 7:2), **לֹא תַחֲנֵם** – lit. you shall not show them favor, which is understood to be a prohibition against giving them dwelling in Eretz Yisroel. Rambam⁵ rules that this prohibition does not apply to a ger toshav who accepted upon himself that he would not worship idols and would observe the seven Noahide laws. The reason he is called a **תושב** is that he is permitted to have dwelling in Eretz Yisroel.

Teshuvos Meishiv Davar⁶ cites authorities who derived from the comments of Taz that just as a Yishmaeli does not prohibit wine because he is similar to a ger toshav, so too it is permitted to sell land to Yishmaelim just as it is permitted to sell land to a ger toshav. Meishiv Davar expressed astonishment at this suggestion. Taz never equated a Yishmaeli to a ger toshav since to qualify as a ger toshav one must formally accept to observe the seven Noahide laws in the presence of a

REVIEW and Remember

1. Why did Rav rule in accordance with R' Yehudah ben Besairah who is the minority opinion ?

2. What is the point of dispute between R' Yishmael and Rabanan ?

3. What happens when one sells his field in Yovel ?

4. What were the two rulings of Shmuel that R' Anan analyzed ?

panel of three Torah scholars. Furthermore, our Gemara teaches that one cannot become a ger toshav unless yovel is observed. How then could one suggest that Yishmaelim are considered to be gerei toshav? Taz's intent was to merely note that just as a ger toshav is not an idolater and there are unique halachos that apply so too a Yishmaeli is not an idolater and will qualify for certain halachos but his intent was never to equate them and it is certainly prohibited to sell land to a Yishmaeli in Eretz Yisroel. ■

¹ שו"ע יו"ד סי' קכ"ד סעי' ו'.
² ט"ז שם סק"ד.
³ שו"ע יו"ד סי' קנ"א סעי' ח'.
⁴ ט"ז שם סק"ו.
⁵ רמב"ם פי"ד מהל' איסורי ביאה ה"ז.
⁶ שו"ת משיב דבר ח"יב סי' נ"ו. ■

STORIES off the Daf

"Every Exile Must Have an End!"

"אין עבד עברי נוהג אלא בזמן שהיובל נוהג..."

Aside from the vast numbers of Jews murdered during the Holocaust, the scars that the experience left on survivors was unimaginable. One of the champions of the survivors was the Beis Yisrael of Gur, zt"l. He himself had plenty to cry about—he could remember his one hundred thousand

chassidim in Europe before the war, virtually all of them murdered, including many of his close relatives—yet he was a beacon of hope to survivors. He always found exactly the right approach to pull downtrodden survivors out of their despair and give them new hope.

"In Arachin 29 we find that a Jew may not be sold as a slave during times when there is no Yovel. This teaches a powerful concept. An eved ivri cannot be sold into slavery unless there is a clearly defined end to his indenture. We see that a Jew is not forced to endure a load of tests that are harder than he can bear. Even when his hard-

ships are decreed, they must have a set end, a clear-cut time when he will be delivered from the adversity. This is the meaning of the principle that God creates the medicine before allowing the blow to fall. There is always a way for every Jew to emerge from despair and begin again, to learn how to live a positive life despite the horrors and trauma he may have experienced. Every exile must have an end!"¹ ■

¹ פאר ישראל, ח"א, ע' ער"ב ■

