

OVERVIEW of the Daf

1) Selling an ancestral field during yovel (cont.)

The Gemara explains why R' Anan could not figure out in which of Shmuel's two rulings is it required to return payment and in which case is it not required.

Tangentially, Abaye and R' Yosef discuss why one who lives outside of Eretz Yisroel and purchases a slave is penalized rather than the seller.

2) Clarifying the Mishnah

The Mishnah's wording is clarified.

A Beraisa is cited that elaborates on R' Eliezer's position.

3) **MISHNAH:** The Mishnah begins with two cases that relate to a person who bought an ancestral field and then sold it to another. The source of the funds that may be used to redeem one's land as well as details related to the procedure are presented. These halachos are contrasted to the halachos of redeeming a consecrated field.

4) Redemption price

A Beraisa elaborates on the dispute related to determining the redemption process.

The practical difference between Rebbi and R' Dostai ben Yehudah is identified.

The reason both Tannaim interpret the pesukim leniently is explained.

Abaye also identifies the source that one should interpret these pesukim leniently.

Abaye's answer is ultimately successfully challenged.

R' Nachman bar Yitzchok offers a different interpretation of the pesukim.

This interpretation is unsuccessfully challenged and R' Yosef confirms the authenticity of this interpretation.

5) The origin of the redemption money

A Beraisa is cited that discusses the origin of the redemption money.

The Beraisa's understanding of the term מצא is challenged.

Rava explains the meaning of the term מצא.

6) Consecrated field

A Beraisa provides the source that the restrictions that apply when redeeming a sold ancestral field do not apply when redeeming a consecrated field. ■

Distinctive INSIGHT

Leniencies regarding treatment of a Jewish slave

לא סלקא דעתך מדאקיל רחמנא גביה דתניא כי טוב לו עמך, עמך מאכל עמך במשתה וכו' ■

A Jewish slave who is sold to a non-Jew may be redeemed using a pro-rated scale. If a Jewish slave is sold until Yovel, we calculate the full purchase price and divide it by the number of years remaining until Yovel. If the slave was sold for 100 zuz for ten years, we calculate that ten zuz was paid for each year. If the slave worked for two of those years and his previous master wishes to redeem him or he wishes to redeem himself, he must pay only eighty zuz out of the 100 which were paid. If the slave was sold for 100 and his value increased so that he is now worth 200, we use leniency and use the lower rate of 100 for our calculations. If he was sold for 200 zuz, and his value decreased so that he is now worth 100, we again use the lower, more lenient amount for our calculations. This system is based upon two phrases in the pesukim. One is Vayikra (25:52) which states, "according to his years," which implies that we follow his current value. The other phrase that we follow is (ibid. v. 51) "the purchase price," which implies that we follow the actual purchase price. Abaye explains that we always follow the more lenient value, because we find that the Torah itself is lenient regarding the Jewish slave in regard to commanding his master to treat the slave at least as an equal (Devarim 15:16) in eating, drinking and sleeping arrangements.

Although the pesukim regarding the redemption are written in the context of a Jewish slave sold to a non-Jew, we have a gezeirah shavah which connects these rules to a Jewish slave who is sold to a Jew. Similarly, the verse in Devarim which teaches that a slave must be treated at least as well as the master himself is written in the context of a slave owned by a Jew. שיטה לא נודע למי (Kiddushin 20a) notes that we use this same gezeirah shavah to say that we use leniency also for a slave owned by a non-Jew.

Also, we find (Vayikra 25:53) in regard to a slave owned by a non-Jew that the Torah also commands that he not be subject to harsh labor. This lenient approach teaches us that we should use the lower values of a slave when calculating his redemption.

Regarding treatment of a Jewish slave, Rambam (Hilchos Avadim 1:9) writes that the slave must be provided with the same provisions as the master. Meiri, however, cites the Chachmei Ha-Har who say that it is sufficient that the slave be treated as well as the master's children and other members of the household.

Even if the master is indulgent toward himself, it is enough if the slave is given the same rations as the children of the master. Ritva has a third view, and that the slave need not be provided with the level of food and supplies of the other members of the house, but the master may not feed him dry bread or have him sleep on the floor. ■

HALACHA Highlight

Subleasing rental property

אינו מחשב אלא עם הראשון

He calculates the redemption price based on the first buyer

Rambam¹ writes that a tenant is permitted to sublease rented property to another tenant as long as the second tenant does not have more family members than the first tenant. Chazal's statement (Bava Metzia 29b) that one who rents property is not authorized to rent it to others is limited to movable objects since the owner can claim that he is not interested in having other people touch his possessions. When it comes to real property or a boat the owner can not make such a claim. If the owner tells the first tenant that there is no reason for him to burden himself and sublease the property to others, if he is not interested in remaining on the property he should just leave and he will exempt him from future rent payments, the tenant may not sublease the property to others. Rambam then notes that there is an opinion that maintains that a tenant may not sublease the rental property and he must make all of the agreed-upon rental payments but concludes that he does not agree with that opinion. Ra'avad² notes that there are authorities in his day who agreed with the opinion rejected by Rambam restricting a tenant from subleasing property since there are people who destroy rental property.

Mordechai³ cites Maharam who asserts that our Gemara supports Rambam's position. The Gemara discusses the case of one who sells his field to Reuven when yovel is observed and

REVIEW and Remember

1. When two people are involved in a wrongdoing which person is penalized ?

2. What funds may not be used to redeem one's field ?

3. How far would a person go in order to avoid borrowing money with interest ?

4. What is the meaning of the word ומצא ?

Reuven goes ahead and sells the field to Shimon. The halacha is that the original owner will redeem the field based on how much he received when he sold it to Reuven rather than based on how much Reuven received when he sold it to Shimon. This indicates that one who purchases land when the laws of yovel are observed may sell that land to others even though the sale of land is essentially a rental since the land reverts back to the owner during yovel. This clearly shows that one who leases property is permitted to sublease it to others. ■

¹ רמב"ם פ"ה מהל' שכירות ה"ה.
² השגות הראב"ד שם.
³ מרדכי ב"מ פ"ו רמז שני"ז. ■

STORIES off the Daf

The Berditchever's Vort

"הותרה לו הותרה לו ס"ד..."

Rav Levi Yitzchak of Berditchev, ז"ל, was a consummate defender of every Jew, no matter what. After he passed away many of his chassidim went to the Ohr HaMeir, ז"ל. After their first Shabbos with him, the Ohr HaMeir asked them how they had enjoyed their Shabbos with him. "Although we loved it, when the Berditchever is resurrected we will go back to him. By you, even the greatest Jew understands that he doesn't do enough. Our original rebbe, the Berditchever, had only good to say about even the lowliest

Jew."

"God certainly had a lot of pleasure from the Berditchever chassidim at that time," said the Imrei Chaim of Vizhnitz, ז"ל, when he told the above on Shabbos during the Cheshvan that preceded the outbreak of the Six Day War. It was a time of great tension in Israel because of the threats constantly emerging from Syria.

"The Berditchever Rav always—at all times no matter what—had some way to see the good in all Jews," the rebbe added.¹

The Berditchever even offers an encouraging comment about a famous musar statement on today's daf.

"Our sages teach that once one has done a sin and repeated it, the action appears to be permitted to the sinner. If

one considers this for a moment he will see a powerful limud zechus for every sin but the first. After all, since, to the sinner, repeating a sin already feels like the action is not sinful, the only sin he can honestly be blamed for is the first time that he commits it! And God in His great mercy forgives even the first sin of each group. As the disciples of Rabbi Yishmael taught in Rosh Hashanah 17: 'מעביר מעביר'. This means that God even removes the first sin of each group. It is obvious that He forgives the rest, since a person is far less responsible for them!"² ■

¹ צעירי וזניני, תשרי, תשס"ד, ע' ל"ז
² קדושת לוי, ר"ה ■

