

OVERVIEW of the Daf

1) Giving against one's will (cont.)

Rava continues to explain his inference from the Mishnah that generally giving something against the will of the recipient does not constitute "giving."

This inference is rejected.

Another version of this exchange is recorded.

2) **MISHNAH:** The Mishnah presents two disputes, the first is whether fields in a walled city are the same as a house and the other is whether a house built into the city wall is the same as a house in the city.

3) Elaborating on the disputes in the Mishnah

A Beraisa elaborates on the first dispute presented in the Mishnah regarding the field in a walled city.

The exposition of the Beraisa is unsuccessfully challenged.

R' Yochanan asserts that both positions in the dispute about the house that is built into the wall of the city derive their respective positions from the same pasuk.

4) **MISHNAH:** The Mishnah defines a walled city.

5) Defining a walled city

A Beraisa expounds the pasuk that discusses houses in a walled city.

A Beraisa enumerates different walled cities.

Abaye explains the intent of the Beraisa.

Rava offers an alternative explanation of the intent of the Beraisa.

The inclusion of Yerushalayim as one of the walled cities is challenged.

R' Yochanan suggests one answer to this challenge.

R' Ashi offers another resolution.

A Beraisa explains why the Mishnah enumerated the eight cities listed in the Mishnah..

The implication that R' Yishmael the son of R' Yosi maintains that the original sanctity of the land was not permanent is challenged from another ruling of R' Yishmael the son of R' Yosi.

Two resolutions to this challenge are presented.

6) The original sanctity

The Gemara presents the sources that the original sanctification of the land ended with the destruction of the Beis HaMikdash.

The response of the opinion that maintains that the sanctity did not end is recorded.

The Gemara questions whether they, in fact, began counting shemittah and yovel in the time of Ezra.

R' Nachman bar Yitzchok explains the meaning of the Beraisa. ■

Distinctive INSIGHT

A sale against the will of the receiver

מדאיצטריך ליה להלל לתקוני נתינה בעל כרחו הויה נתינה הא בעלמא נתינה בעל כרחו לא הויה נתינה

The Mishnah tells us that the seller of a house in a walled city had until the end of a full year to redeem his house, and after the deadline expired the house would become the permanent property of the buyer. When the final day of the year would approach, the buyer would realize that the seller, like many people, might have procrastinated, but that he might now come and redeem the house. The buyer would therefore hide on that final day available for redemption, in order to make himself inaccessible to the seller, and thereby avoid allowing the house to be redeemed. Hillel enacted a special rule to prevent this maneuver on the part of the buyer, and he decreed that it would be adequate for the seller to place his money of redemption in a special designated office, and he would then be allowed to re-enter his house.

The Gemara notes that this rule of Hillel was a legal recognition of a "forced sale." It seems that if it was necessary for Hillel to establish this rule in these unusual circumstances, that the rule must generally be that a forced sale is not legally binding.

Nevertheless, the Gemara concludes (in the first approach in the Gemara) that we cannot determine this as a fact, because it may be that in general a forced sale is acceptable, but Hillel had to establish his rule to allow this redemption even in the absence of the buyer.

The Rishonim (Tosafos, Rosh, Rashba, to Gittin 75a) point out that it is clear that if Reuven gives a gift to Shimon, the gift is only valid if Shimon accepts it willingly. The gift is not valid against the will of the receiver. Also, if a person owes a debt or if he wishes to return a deposit he is holding, he may return it, even if the receiver shows that he does not wish to accept it. The giver owes the money, and he may return it to its true owner. The case in question in our Gemara is where the receiver is required to accept the money, as we find with the buyer of the house who must allow its redemption on the part of the seller, but here the receiver stands to lose with the accepting of the money. In our case, the buyer will have to forfeit his ownership of the house once the seller takes it back. In this regard, our case is unlike payment of a loan, where the receiver gains and does not lose.

Rashba explains that although a woman must accept her **טל** even against her will, as does a slave have to accept his release even against his will, this does not prove that a forced sale against the consent of the receiver is certainly valid. Our case is specifically a case where the one receiving the money stands to lose by doing so. ■

HALACHA Highlight

Did Chevron have a wall surrounding it in the time of Yehoshua bin Nun?

מוקפת חומה מימות יהושע בן נון

Surrounded by a wall from the time of Yehoshua bin Nun

Radvaz¹ was asked whether the city of Chevron was walled from the time of Yehoshua bin Nun or not. The significance of the question relates to when the residents read the Megilla. If Chevron was walled from the time of Yehoshua bin Nun they would read on the 15th of Adar but if it was not walled they would read on the 14th of Adar. Radvaz cited our Gemara as proof that Chevron was not walled from the time of Yehoshua bin Nun. The Gemara enumerates many cities that were walled from the time of Yehoshua bin Nun and Chevron was not listed. Moreover, one should not argue that Chevron is one of the cities included in the phrase **וְכָן כִּיּוֹצֵא בְהָן** – and others that are similar – because Chevron is such an important city in Jewish history that if it was one of the walled cities it certainly would have been mentioned by name. Another proof is that the Gemara below (33b) teaches that the Levite cities did not have walls around them. The reason they could not have walls was that they had to serve as cities of refuge and cities of refuge could not be walled cities. Since the Gemara in Makkos (10a) tells us that Chevron was a city of refuge it must be that it did not have a wall sur-

REVIEW and Remember

1. Explain the principle: נתינה בעל כרחו הויה נתינה.

2. What are the characteristics of a walled city?

3. Why did Chazal enumerate the cities that they did?

4. What happened to the yetzer hora of idolatry?

rounding it.

Gaon Chida in his work *Birkei Yosef*² reports that the ancient custom in Chevron has been to read the Megilla on the 14th and the 15th out of doubt whether it had a wall from the time of Yehoshua bin Nun. *Sefer Yikar HaErech*³ suggests that even though Chevron was a city of refuge it is possible that it had a wall from the time of Yehoshua bin Nun. Perhaps when the Jewish People conquered the land the city had a wall surrounding it. When they held the lottery and Chevron was designated as one of the cities of refuge it became necessary to dismantle the wall. Since it is not known for certain the exact history of what transpired during that time the custom was to read on both days. ■

¹ שו"ת הרדב"ז ח"ב סי' תרפ"א.

² ברכי יוסף אר"ח סי' תרפ"ח אות ד'.

³ ספר יקר הערך (ארדיט) בסוגייתנו ד"ה ולקעד"ן. ■

STORIES off the Daf

Modern Idolatry

"דבעי רחמי על יצר דעבודה זרה בטליה..."

On today's daf we find that Yehoshua should have asked God to abolish avodah zarah.

The Alter of Kelm, zt"l, explains how avodah zarah applies in each of us today. "We see with our own eyes that humans naturally crave recreation time. In our country they say that this is one of the *מענטשען רעכט*, 'human rights,' and is considered only proper to provide for it. This is why the Torah warns us **ולא ילתתו אחרים לבבכם ואחרי עיניכם**. Our

sages explained that **לבבכם** alludes to heresy, while **עיניכם** alludes to licentiousness. It is interesting that the Torah first mentions heresy and only then alludes to immorality. One may wonder: on the surface, is not immorality more ingrained in human nature? The answer is that the Torah knew that the first problem is heresy—that is the tendency of people to cast off any yoke, including the yoke of heaven. It is this trait which leads to sins of all kind.

"Similarly, it is human nature to believe that everything happens by chance, with no direction. People are naturally shallow and don't wish to think at all about how things come about. As Rabbeinu Yonah explains, the verse **ואם תלכו עמי בקרי**, במקרה,

due to happenstance.

"Since the Torah warns both great and small about our natural tendency towards heresy and to believe that everything is happenstance, it is incumbent on every Jew to always work to strengthen his emunah. This is especially important in our times when works of heresy and foreign philosophies abound. No man should say, 'I believe and have no need to work on this. Since the Torah warns us all not to stray after our hearts—which we recite several times a day—it is obvious that this means everyone!'"¹ ■

¹ חכמה ומוסר, ח"א, ע' רמ"ח, וח"ד, ע' י"ז ■