

## OVERVIEW of the Daf

### 1) The original sanctity (cont.)

It is noted that R' Nachman bar Yitzchok's explanation of the Berasisa is not consistent with R' Yehudah.

The assertion that yovel was no longer observed after Reuven, Gad and half of Menashe were exiled is successfully challenged.

R' Yochanan answers that Yirmiyahu returned these tribes after they were exiled.

Two proof are presented that confirm that these tribes were returned.

2) **MISHNAH:** The Mishnah discusses the topic of houses in unwalled cities.

### 3) The sources for the Mishnah

A Beraisa is cited that presents the source for the Mishnah's ruling.

R' Huna explains the last part of the Beraisa.

R' Zeira challenges this explanation.

Abaye responds to R' Zeira and provides the source that consecrated property cannot be taken from the Beis HaMikdash without redemption.

It is noted that R' Huna's ruling that a house in an unwalled city goes back to the owner in yovel when it was redeemed by another person is at odds with R' Oshaya's position on the matter. R' Oshaya's position is unsuccessfully challenged.

A Beraisa is cited that supports R' Huna's position and constitutes a challenge to R' Oshaya's position.

4) **MISHNAH:** The Mishnah discusses the definition of houses in unwalled cities.

### 5) The sources for the Mishnah

A Beraisa is cited that provides the source for the Mishnah's ruling.

The exposition of the Beraisa is unsuccessfully challenged.

6) **MISHNAH:** The Mishnah discusses cases of houses in walled cities that belong to levi'im.

### 7) Clarifying the Mishnah

Rebbi's first ruling is clarified.

The sources for Rebbi's rulings are presented.

The position of Chachamim is explained.

8) **MISHNAH:** The Mishnah begins with a discussion of zoning issues that apply to Levite cities. The Mishnah concludes with a statement regarding the sale and redemption of houses by kohanim and levi'im.

### 9) Zoning

R' Elazar presents the source that it is not permitted to change the layout of the Levite's cities.

### 10) Kohanim and levi'im

A Beraisa elaborates on the expositions that formulate the Mishnah's final ruling.

The Gemara challenges the last ruling of the Beraisa.

R' Huna explains that ruling.

An unsuccessful challenge to this explanation is presented. ■

## Distinctive INSIGHT

### *Selling a house in an unwalled city*

לא מצרכה אלא למוכר בית בבתי החצרים ופגע בו יובל בשמה שניה, למאי מדמית ליה? אי לבתי ערי חומה וכו' ■

The Gemara presented the halachos of redeeming ancestral fields (beginning on 29b) and houses in walled cities (beginning on 31a). The Mishnah on our daf begins the discussion regarding redemption of houses in unwalled cities.

An ancestral field may not be redeemed during the first two years after it is sold, and it automatically returns to its owner at Yovel. A sold house located in a walled city may be redeemed immediately, but only up until one year, after which it is not returned to its owner, even at Yovel. Our Mishnah, and the Beraisa cited when the Gemara begins its discussion, teach that a house in an unwalled city has the halacha which combines the advantages of the previous two cases. It may be redeemed immediately, and up until one year for its full purchase price. If it is not redeemed, it may be redeemed at any time until Yovel at a reduced pro-rated scale based upon its purchase price according to the number of years remaining until Yovel. If it remains unredeemed, it is released by the buyer at Yovel back to its owner.

The Beraisa determines these halachos based upon phrases in Vayikra 25:31, and the Beraisa concludes by noting that the phrase "and at Yovel it will be released" teaches that the house in an unwalled city is ultimately returned to its owner. The Gemara points out that this additional lesson is unnecessary at this point, and Rav Huna explains that it applies to a different case. This additional halacha refers to where someone consecrated his house in an unwalled city, and someone else redeemed it at a time when Yovel began in the second year after the redemption. If we compare this to a case of a house in a walled city, the house should not return to its original owner, and if we compare it to an ancestral field, it should be released to the kohanim. The novelty is that this house returns to its original owner. R' Oshaya disagrees, and he says that this consecrated house which was redeemed is not returned to its owner at Yovel. Rather, the phrase "it shall be returned" applies to a case of a sold house in an unwalled city where Yovel began in the second year after the sale. The halacha is that it is returned to its owner, and it is not kept by the buyer, and we do not require that a two-year waiting period be completed after the Yovel.

Rambam (Hilchos Arachin 5:4) rules according to Rav Huna, that a consecrated house redeemed by someone else is returned to its owner at Yovel. Maggid Mishnah notes that Rambam should therefore not rule according to R' Oshaya, and he should require that a sold house have its two-year period be completed after Yovel. In Shemitta v'Yovel (12:10) Rambam writes that a house is returned at Yovel, but he does not mention these two years need to be completed. This must be his intent when he says "that it is similar to fields." ■

*Today's Daf Digest is dedicated by Mr. and Mrs. David Binter*

*In loving memory of their father*

*הרב גרשון זאב בן ר' מרדכי דוד, ז"ל*

*Rabbi Gershon Futerko o.b.m.*

# HALACHA Highlight

## Planting trees outside of cities

ולא מגרש שדה

*Nor do they make a clearing a field*

The Mishnah teaches that all the cities, Levite cities as well as other cities, had an open area that surrounded the city in which trees were not planted. Chachamim maintained that it was not permitted to transform this open area and use it for planting whereas R' Eliezer maintained that this halacha is limited to Levite cities but it is permitted to transform the empty field into a planted field in other cities. Sefer HaChinuch<sup>1</sup> explains that the rationale behind this halacha is to assure the beauty of the city. Since the Levites cities were set aside for the needs of the nation as they were responsible to teach Torah to the people it is appropriate that their cities should be beautiful as praise for the Jewish Nation. Minchas Chinuch<sup>2</sup> suggests that Biblically this halacha is limited to the Levites cities and Chazal were the ones who extended some of these laws to the rest of the cities in Eretz Yisroel.

The Gemara Bava Basra (24b) teaches that trees had to be at least twenty-five amos away from the city as a means of beautifying the city. The Gemara questions why it is necessary to explain that the purpose is to beautify the city when our Gemara teaches that there is a Biblical restriction against transforming the open area around a city into a planted area. The Gemara answers that this explanation is necessary for R' Eliezer who

# REVIEW and Remember

1. How do we know that Yirmiyahu returned the tribes of Reuven, Gad and half of Menasheh ?
2. What is the point of dispute between R' Huna and R' Oshaya ?
3. What is derived from the phrase וְאִשֵּׁר יִגְאֵל מִן הַלְוִיִּים ?
4. What is the source that it is not permitted to change the layout of the Levite cities ?

maintains that it is permitted to transform the open area into a planted area, nevertheless, trees should not be planted within twenty-five amos to maintain its beauty. Many Rishonim<sup>3</sup> contend that the restriction against planting trees within twenty-five amos of the city is limited to cities in Eretz Yisroel but the restriction does not apply to cities outside of Eretz Yisroel. Ramah<sup>4</sup>, however, argued that since the Gemara did not resolve the contradiction by distinguishing between cities in Eretz Yisroel and outside of Eretz Yisroel it is evident that the halacha applies equally in both places. At present the debate is academic since according to Beis Yosef<sup>5</sup> even in Eretz Yisroel these halachos do not apply until the time of the redemption. ■

<sup>1</sup> ספר החינוך מצוה שמ"ב.  
<sup>2</sup> מנחת חינוך שם אות א'.

<sup>3</sup> רמב"ן, רשב"א ריטב"א, ונמקי"י לגמ' ב"ב ה"ל. ■

# STORIES off the Daf

## An Impossible Promise...

"הניחא לרבנן דאמרי שנת חמישים אינה מן המנין..."

The Alter of Kelm, zt"l, explained the foolishness of those who are convinced that the Torah is not from heaven. "The Torah tells us that the seventh year is shemittah and the halachah is that yovel is a distinct year, as we find in Arachin 33. Every seventh year the Jews—a culture which was mainly agricultural—would cease any planting for an entire year. Of course one from such a society would naturally be skittish about refraining from planting for one full year, let alone

two years in a row. But the Torah deals with this problem as well, telling us that we will be given a blessing on the sixth year which will be blessed with three years of produce during that one year.

"Let us try to imagine this. Not long ago in rural areas of Russia the crops did not grow well. There was a huge outcry, since people were collapsing in the street due to their hunger. Despite government aid and private donations, the food sent was not sufficient for all of their needs. They went hungry although they did plant; the yield was simply low. And in our time we have a modern railroad which can quickly traverse long distances while carrying vast amounts of produce, and grain is readily available in most places.

"Can you imagine what it was like in Eretz Yisrael on a shemittah year, or during the yovel? Obviously whoever gave the Torah wanted people to keep it. Can you imagine any human having the nerve to write that those who accept its dictate must not plant for one or two years straight at regular intervals? It is not as though they could even depend on their neighbors to send produce! They were completely on their own. In light of this astounding commandment, who can deny that the Torah is commanded by the One who can grant three years produce in the sixth year?"<sup>1</sup> ■

<sup>1</sup> בית קלם, ע"ר. ■