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Kiddushin Daf 61

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

With respect to hekdesch we learned in a Mishna (in Arachin): If one consecrates his (*ancestral*) field during the time that the laws of *Yovel* apply (*where the land is returned to its original owner by Yovel*), he must pay (*if he wishes to redeem it*) fifty *shekels* of silver for an area in which a *chomer* of barley may be planted.

[*S'dei Achuzah is a field in Israel that was inherited throughout the generations, from the time of Yehoshua. There are unique laws when someone consecrates this type of field. Usually, a field that is hekdesch, may be redeemed at full value (if redeemed by the owner, then he must pay an additional fifth of the value). However a S'dei Achuzah, has a specific price tag. Dimension: 75,000 square amos of land, which can be planted upon. This size enables one to plant a chomer (30 se'ah) of barley. Price: 50 shekalim for the entire 50 years of Yovel. This price is for each chomer. If the field is the size of ten chomers, then the price would be 500 shekalim for the entire 50 years. This is the amount one pays, regardless of the field's real value. As mentioned, the price of 50 shekalim is for the entire 50 years. This means, in a case where a person redeemed the field within the first year after Yovel, then he has to pay that amount. However, if for example there are only 8 years left to Yovel, then he has to pay 8 shekalim (and 8 pundyons). If there are 4 years left, then he has to pay 4.*]

The *Mishna* continues: If there were there clefts ten *tefachim* deep, or rocks ten *tefachim* high, they are not measured with it (*and they must be redeemed according to their actual value*). If it was less than that, they are

measured with it (*for it is expected that some of the land would not be suitable for planting*).

Now, the *Gemora* there asked: Granted that they are not sanctified together with the rest of the field, but let these clefts or rocks be regarded as if they were consecrated by themselves (*and they can be redeemed according to the Torah's calculation of a chomer of barley for fifty shekalim*)!?

The *Gemora* notes that we cannot answer that since they are less than a *beis kor*, they cannot be redeemed in that manner, for the following *braisa* contradicts it: *And if a man shall sanctify to Hashem part of a field [of his possession, etc.] Why is this stated? Because it is said: the sowing of a chomer of barley shall be valued at fifty [shekels of silver]; therefore I know it only if he sanctifies in such a manner; how do I know to include a lesech, half a lesech, a se'ah, tarkav, half a tarkav, and even a quarter [se'ah]? Because it is stated: a field, whatever its size! [The braisa explicitly states that the Torah's calculation for redemption applies even for fields much smaller than a beis kor.]*

Mar Ukva bar Chama answers: The *Mishna* is referring to clefts filled with water that are not suitable for planting at all (*and since the Torah states, "beis zera" – a field of seeds, we do not calculate in this manner when the land cannot be planted*). This may be proven as well, because it is taught similar to the high rocks. This indeed proves it.

The Gemora asks: If so, this *halachah* should apply even if the clefts are less than ten *tefachim*?

The Gemora answers: Clefts so small are considered “cracks of the land,” and rocks so small are considered “the spine of the land.”

With respect to purchase we learned in a Mishna (in Arachin): If one says to his fellow, “A *beis kor* (the amount of land needed to plant a *kor*'s (30 *se'ah*) worth of barley seed; this equals 75,000 square amos) of soil (which indicates that the land should be fit for planting) I am selling to you,” if there were there clefts ten *tefachim* deep, or rocks ten *tefachim* high, they are not measured with it (for that area cannot be used for planting). If it was less than that, they are measured with it (for it is expected that some of the land would not be suitable for planting). And Mar Ukva bar Chama said: It applies even though they are not filled with water.

What is the reason? Rav Pappa said: This is because a person does not wish to give his money in one plot which has the appearance of two or three plots.

The Gemora asks: How is it here (regarding one who betroths a woman upon the condition that he has a *beis kor* of land; are the deep clefts that can be cultivated counted towards the total area or not)? Do we compare it to *hekdesch* or to a purchase?

The Gemora answers: It is logical that we compare it to *hekdesch*, because he can say to her, “I will exert myself and plant (on these clefts) and bring you the produce.” (60b4 – 61a3)

Rabbi Meir states: Any condition that is not similar to the condition made (by Moshe Rabbeinu) with the sons of (the tribe of) Reuven and Gad (the condition was doubled; if the condition is fulfilled, the agreement is valid, but if it is not fulfilled, the agreement is not valid) is not a valid

condition. This is because it is written: *and Moshe said to them: If the children of Gad and the children of Reuven will pass with you over the Jordan* [. . . then you shall give them the land of Gilead for a possession]. And then it is written: *But if they will not pass over with you zealously*, [then they shall have possessions among you in the land of Canaan.] Rabbi Chanina ben Gamliel said: The matter (i.e., the second statement) had to be stated, for otherwise it implies that they should have no inheritance - even in Canaan.

The Gemora asks: Rabbi Chanina ben Gamliel said clearly to Rabbi Meir!? [How would R' Meir respond?]

The Gemora answers: Rabbi Meir would answer you as follows: Should you think that it does not come for teaching of a doubled stipulation, it (the Torah) should write: *But if they will not pass over . . . they shall have possession among you; why state: in the land of Canaan?* This proves that it comes to necessitate a double stipulation.

The Gemora notes: And Rabbi Chanina ben Gamliel would say: If the Merciful One did not write: *in the land of Canaan*, I would have thought that *they shall have possession among you* in the land of Gilead, but nothing at all of the land of Canaan.

The Gemora explains further: Rabbi Meir would say: *Among you* implies ‘wherever you have possessions.’

It was taught in a braisa: Rabbi Chanina ben Gamliel said: For example, to what may this matter be compared? To a man who divided his possessions among his sons, and he said, “That son, So-and-so, shall inherit such-and-such a field, and that son, So-and-so, shall inherit such-and-such a field, while that son So-and-so, shall pay two hundred zuz and inherit that field. But if he does not give it, he shall inherit the rest of my possessions together with his brothers.” [The comparison is as follows: To a man who

divided his possessions among his sons (the tribes of Israel), and he said, "That son, So-and-so, shall inherit such-and-such a field (the Land of Canaan), and that son, So-and-so, shall inherit such-and-such a field, while that son So-and-so (the tribes of Gad and Reuven), shall pay two hundred zuz (helping their brothers in battle for Canaan) and inherit that field (the Land of Gilead). But if he does not give it, he shall inherit the rest of my possessions together with his brothers."] Now, what causes him to receive an inheritance together with his other brethren in the rest of the possessions? His doubling (of the stipulation) effects it for him.

The Gemora asks: But the illustration is not similar to our Mishna, for there he (R' Chanina ben Gamliel) states: for otherwise it implies that they should have no inheritance - even in Canaan, which proves that the doubling served a purpose in respect of Gilead as well; whereas here, he states: What causes him to receive an inheritance together with his other brethren in the rest of the possessions? His doubling (of the stipulation) effects it for him, which proves that the doubling is effective only in respect to the rest of the possessions?

The Gemora answers: There is no difficulty: The Mishna was before Rabbi Meir told him (the implication of): *then they shall have possession*; the braisa, however, was after Rabbi Meir told him (the implication of): *then they shall have possession*.

The Gemora asks: As for Rabbi Meir, it is well, and that is why it is written: *If you better yourself, you shall be rewarded, but if you do not better yourself, sin crouches at the door* (for according to R' Meir, the stipulation is not binding unless the negative alternative is mentioned as well). But according to Rabbi Chanina ben Gamliel, what is its purpose?

The Gemora answers: I might have thought as follows: *If you better yourself, there is reward, but if you do not*

better yourself, there is neither reward nor punishment. Therefore, we are informed otherwise.

The Gemora asks: As for Rabbi Meir, it is well, and that is why it is written: *Then* (if you, Eliezer, go to my family first to find a wife for my son, Yitzchak) *you shall be clear from my oath* (of returning with a woman from Canaan), but according to Rabbi Chanina ben Gamliel, what is its purpose?

The Gemora answers: It is necessary, for I might have thought that if she were willing (to travel back with you) but not they (her family), you should bring her against their will. Therefore, we are informed otherwise.

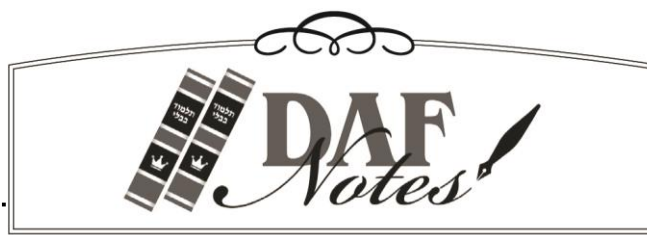
The Gemora asks: What is the purpose of: *and if the woman be not willing*?

The Gemora answers: It is necessary, for I might have thought that if they (her family) were willing but not she, you should bring her against her will. Therefore, we are informed otherwise.

The Gemora asks: As for Rabbi Meir, it is well, and that is why it is written: *If you follow My statutes . . . and if you will despise My statutes*. But according to Rabbi Chanina ben Gamliel, what is its purpose?

The Gemora answers: It is necessary, for I might have thought that *if you follow in My statutes*, you shall have a blessing, but *if you will despise My statutes*, (you will receive) neither a blessing nor a curse. Therefore, we are informed otherwise.

The Gemora asks: As for Rabbi Meir, it is well, and that is why it is written: *If you are willing and you listen*, etc. . . . *but if you refuse and rebel*, etc. But according to Rabbi Chanina ben Gamliel, what is its purpose?



The Gemora answers: It is necessary, for I might have thought that *if you are willing*, it will be good; *but if you refuse*, it will be neither good nor bad. Therefore, we are informed otherwise. (61a3 – 61b4)

DAILY MASHAL

The Mishna on today's Daf quotes the opinion of R' Meir that in order for a conditional statement to be legally binding, both eventualities need to be verbalized; i.e. what are the consequences if the condition is fulfilled, and what will happen if it is not. The proof presented in the Mishna is from the condition that Moshe Rabeinu forswore the tribes of Gad and Reuven. Then the Gemara references a few other sources in the Torah where the double conditional statement is found, the first one being the verse from Genesis where Hashem says to Cain "Surely if you do good, you will be rewarded, and if you do not do good, sin crouches at the entrance (to ensnare you)" (Genesis 4:7).

The Ben Yehoyada asks why R' Meir ignores this earlier verse, in favor of the source he brings from Moshe's condition with the tribes of Gad and Reuven which appears much later?

He answers based on the Gemara in Berachos that any statement for the good that issues from the mouth of Hashem, *even if it is conditional*, will never be retracted. Since the source in Genesis was a statement that was made by Hashem Himself, it is not a valid proof for the general legalities of conditional statements.

What Does Selling a Beis Kur have to do with Shabbos Chanukah?

An ancient, anonymous song for Shabbos Chanukah, *Ichlu Mashmanim*, appears in *siddurim* and is chanted in some communities. The whole composition sings the praises of food, meals, meat dishes, wine and miscellaneous

culinary delights to be consumed on that Shabbos and the line ending each stanza goes: "A *beis kur* sell or lease; rent a *beis kur* for Shabbos Chanukah!"

In his Responsa (137), Mahari of Bruna, a pupil of the *Terumas HaDeshen*, remarks that no Torah scholar could have written the song as a Chanukah meal is not defined as a *se'udas mitzvah*. Others even stress that only foolhardy people could have composed it, as evident from its contents (*Orchos Chayim*, 670:8). On the other hand, some rebbes, such as Rebbe Pinchas of Koritz zt"l, sang it on Shabbos Chanukah and a few scholars attribute it to Rabbi Avraham Ibn Ezra as the initial letters of its lines form *Avraham*. Those favoring the song were somehow able to lend its contents a spiritual connotation and some surmise that *beis kur* is used as a pun: In Old French a yard for raising and fattening poultry was called a *bas court* ("low courtyard" – the final s was then, as in certain dialects today, pronounced). The message, then, is "Sell your *beis kur*" – your field – and rent a *bas court* for Shabbos Chanukah.

INSIGHTS TO THE DAF

REDEEMING HALF OF A "SEDEH ACHUZAH"

By: Rabbi Yaakov Montrose

The *Gemora* quotes the *Mishna* in Erchin (25a) which teaches that if a field contains ditches deeper than ten *tefachim*, or rocks higher than ten *tefachim*, those areas are not calculated together with the field in accordance with the prescribed formula of "Zera Chomer Se'orim." (*The Torah teaches (Vayikra 27:16) that one who consecrates his field (when the laws of Yovel are in force) may redeem his field by paying an amount calculated according to the formula of fifty silver Shekalim for every Chomer of barley seed that can be planted there.)* The

Gemora asks that although the value of the pits and rocks are not calculated with the field, they should become *hekdesh* in their own right.

What is the *Gemora's* question? Why should those areas become *hekdesh* if they are not considered part of the field?

The **RASHBAM** (DH Likdeshu) explains that the fact that the ditches are not part of the field should not preclude them from being part of a *sedeh achuzah* (an ancestral field). The *Mishna's* statement that "they are not measured with it" (with the rest of the field) implies that they cannot have the *halachic* status of a *sedeh achuzah* at all, and are not able to be redeemed separately in accordance with the formula of fifty *shekalim* for every *beis kor*. The *Gemora* therefore asks why they cannot have the status of a *sedeh achuzah*.

TOSFOS (DH v'Amai) argues that this cannot be the *Gemora's* question. The Rashbam bases his understanding of the *Gemora's* question on the premise that if the ditches or rocks are considered a second *sedeh achuzah*, they should be able to be redeemed separately. However, the *Gemora* in Kiddushin (21a) states that one can redeem half of a *sedeh achuzah* and use the prescribed formula for the redemption. This teaches that whether the ditches and rocks are considered part of the field or they are considered a separate field, they still should be redeemed with the prescribed formula for a *sedeh achuzah*. Why does the *Gemora* ask a question which implies that *only* because the ditches and rocks are considered separate from the field are they able to be redeemed individually?

TOSFOS therefore explains that the *Gemora's* question is that even if the ditches and rocks are not considered part of the field, the *hekdesh* should take effect on the entire area because the owner consecrated his entire field. This

implies that the ditches and rocks are considered a "field," albeit a separate field.

The **RASHBA** defends the Rashbam's opinion. When the *Gemora* in Kiddushin says that one can redeem half of a *sedeh achuzah*, it does not mean that he may pay part of the redemption money and thereby instantly re-acquire the corresponding part of his field. Rather, it means that he may pay part of the value of the field in order to *stop the transfer* of that part of the field to the *Kohanim* when the *Yovel* year arrives. He does *not* receive that part of the field back until *Yovel*. Accordingly, whether the ditches and rocks are considered part of the field or a separate field has a practical consequence. If the entire land is considered one field, then if the former owner redeems part of the field before *Yovel* he may choose some of the ditches and rocks as well (*if he so desires*). If, however, the ditches and rocks are considered a separate field and the former owner pays towards the redemption of the primary field (*without the ditches and rocks*), he may not choose to redeem the ditches and rocks. This is the difference between whether the field is considered one unit or two units with regard to the redemption of a *sedeh achuzah*.