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Arachin Daf 29

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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

Cheirem Donations

The *Gemora* cites a *braisa* about *chermei Kohanim* – donations to *Kohanim*. While they are still in possession of the donator, they are considered consecrated, as the verse states that all donations are “sanctified to Hashem.” Once they are given to the *Kohen*, they have no more sanctity, as the verse tells the *Kohanim* that “all donations from Yisrael will be for you.”

The *Gemora* discusses the dispute about unspecified donations. Rabbi Yehudah ben Beseirah said that they are given to the maintenance fund of the Temple, as the verse says that all donations are sanctified to Hashem, while the Sages say they are given to *Kohanim*, as the verse refers to a field [sanctified by someone and not redeemed], which is the inheritance of the *Kohen*, as a field of donation, implying that a donation is given to the *Kohen*. The Sages explain that they explain the verse cited by Rabbi Yehudah ben Beseirah to teach that the *cheirem* donation takes effect even on existing sacrifices.

The *Gemora* asks what Rabbi Yehudah ben Beseirah uses the verse cited by the Sages for, and answers with a *braisa*, which states that this verse teaches about a case of a *Kohen* who received a consecrated field not redeemed by *Yovel*. If this *Kohen* then consecrated the field, we may have thought that he can get it back at *Yovel* without redeeming, since he’s currently in possession, and it would ultimately return to *Kohanim*. If this *Kohen* can receive fields consecrated by others, certainly he should receive his own consecrated field. The verse therefore teaches that this field, the “field of donation,” should be like the *Kohen’s* inheritance. Just as someone’s inherited field that he consecrated leaves his possession at *Yovel* and is split up among *Kohanim*, so this field, consecrated by the *Kohen*, leaves his

possession at *Yovel*, and is split up among *Kohanim*. The Sages learn this from the extra letter *heh* – *the* used in the word *hacheirem* – *the [field of] donation*, while Rabbi Yehudah ben Beseirah says we can’t learn anything extra from that letter.

The *Gemora* asks how Rabbi Yehudah ben Beseirah knows that a donation takes effect on a sacrifice, and answers that he agrees with Rabbi Yishmael, who learns it from another verse (cited later).

Rav ruled like Rabbi Yehudah ben Beseirah. The *Gemora* asks how Rav can rule like an individual against the majority Sages, and answers that Rav is following an alternate *braisa*, which switches the opinions.

The *Gemora* then asks how Rav can follow the *braisa* instead of the *Mishna*, and answers that Rav’s tradition of the *Mishna* was with the opinions reversed. Rav was thus ruling like our version of Rabbi Yehudah ben Beseirah, which is the opinion of the Sages in Rav’s version. (29a)

Donations Nowadays

A person in Pumpedisa donated his property, and he went to Rav Yehudah, who told him to redeem them with four *zuz*, which he should throw in the river, and then he may use his property.

The *Gemora* explains that Rav Yehudah ruled that an unspecified donation is given to the maintenance fund of the Temple, and he also followed Shmuel who says that if one redeems any consecrated property below its value, even with just a *perutah*, it takes effect.



Consecrating a First-born

The *Gemora* challenges this, as Shmuel only says it takes effect, but not that one may do so.

The *Gemora* answers that nowadays, when we have no Temple, one is permitted to do so. Technically, this person could have redeemed it with just a *perutah*, but Rav Yehudah required significant amount of four *zuz*, to publicize to all that donations to the maintenance fund can be redeemed.

Ulla said that if he were there, we should have told him to give all his property to *Kohanim*, indicating that he rules that unspecified donations go to the *Kohanim*.

The *Gemora* challenges both rulings from a *braisa*, which says that the following do not apply when *Yovel* is not in effect:

1. A Jewish slave, as the verse states that he will work until *Yovel*.
2. An inheritance field, which is redeemed from the buyer on a pro-rated scale until *Yovel*, as the verse states that the field will return at *Yovel*. (*Included in this is the fixed scale of redemption when consecrating such a field.*)
3. The redemption of houses in walled cities, which can be redeemed only within the first year, as the verse states that it will not return at *Yovel*.
4. Rabbi Shimon bar Yochai says that *cheirem* donations of fields don't apply, as the verse states that the field goes to the *Kohanim* at *Yovel*.
5. Rabbi Shimon ben Elozar says the rules of a *ger toshav* – non-Jewish resident of *Eretz Yisroel* do not apply. Rav Bibi explains that this is learned from the case of a Jewish servant, as the verse uses the same word *tov* – good, in connection with both.

Since this person donated nowadays, when *Yovel* doesn't apply, it shouldn't have taken effect.

The *Gemora* answers that only donations of land depend on *Yovel*, but not donations of movable items. Although this case was land, it was land out of *Eretz Yisroel*, which is tantamount to movable items. (29a)

The *Mishna* cites Rabbi Yishmael who notes a seeming contradiction of two verses. One verse states that you should consecrate the first born animal, while another states that one cannot consecrate the first born animal. He explains that one may consecrate the value of the first born, to be brought as a separate donation, but not the first born itself, as it's already a sacrifice.

The *Gemora* says that the Sages resolve this contradiction differently. The verse which says that one may not consecrate the first born teaches that one may not consecrate it a another sacrifice, while the verse teaches that one has an obligation to designate this first born as a first born sacrifice. Rabbi Yishmael disagrees, as the animal is automatically consecrated. Since it is sanctified even if nothing is said, there is no need to designate it. (29a)

WE SHALL RETURN TO YOU, HAMAKDISH SADEIHU

Selling a Field During Yovel Times

The *Mishna* says that if one sells his field while *Yovel* is in effect may not redeem it in the first two years, as the verse states that the seller will sell you the field in the count of “*years of produce*,” implying a minimum of two years. If one of the years was a blight or *shemittah*, which couldn't produce anything, it doesn't count as one of them, but if he just plowed it or let it lay fallow, it does count. Rabbi Eliezer says that if one sold a field with its grown crop right before the start of the year, the buyer keeps it for two full years, which will include three crops.

The *Gemora* infers from the *Mishna* that during the first two years not only is the seller unable to redeem the field, but he is prohibited from redeeming it, even by attempting to induce the buyer with monetary incentives. Furthermore, the *Gemora* says that the seller and the buyer are both prohibited, as the verse says both “*years of produce, he will sell*,” and “*..years, you will buy*.” (29b)



Selling a Field on Yovel

The *Gemora* cites a dispute about one who sells his field during the *Yovel* year. Rav says the sale takes effect, and the field immediately returns to the seller, while Shmuel says the sale does not take effect. Shmuel says it does not take effect, from a logical argument. If fields that were already sold return during *Yovel*, certainly a field cannot be sold on *Yovel*.

The *Gemora* explains that Rav agrees to this general line of reasoning, as this is the argument the *braisa* gives to prove that a man may not sell his daughter as a slave once she has matured: if a girl who is a slave goes free when she matures, surely she may not be sold once she is mature. However, the case of a slave is different than a field since a female slave that has gone free when mature cannot be sold again, but a field that returns during *Yovel* can be sold afterwards.

The *Gemora* challenges Rav from a *braisa*. The *braisa* says that from the verse which states that “*years after the Yovel, you may buy [a field]*” teaches that one may buy a field soon after *Yovel*. The verse which states that one must calculate the price based on the many or few years until *Yovel* teaches that one may sell the field any time after *Yovel*. However, one may not sell the field on *Yovel*, and if one does, it is not sold.

Rav deflects this by saying that the *braisa* means that it is not sold as far as requiring two years before redemption, but it is sold and then immediately returned.

The *Gemora* asks why we do not leave the sale in place for two years after *Yovel*, like someone who bought a field one year before *Yovel*, who keeps the field for a full year after *Yovel*, to have two full years of crops.

The *Gemora* answers that in the case of one year before *Yovel*, he bought the field for crops, and he therefore gets the full two years, but if one bought a field in *Yovel*, he knew he would get no crops. (29b)

Is Money Returned?

Rav Anan says that he heard two rulings from Shmuel, one in which the sale is reversed, and one in which it is not. The two cases are one of selling a field in *Yovel*, and one is a non-Jewish slave to a non-Jew or to outside of *Eretz Yisrael*, who goes free. Rav Anan says that he doesn't know which one is the case of the reversed sale, and which one is the valid sale.

Rav Yosef resolves it from a *braisa* which says that if one sold his slave outside of *Eretz Yisrael*, the slave goes free, but he needs an emancipation contract from the buyer. Since the buyer issues the contract, this indicates that the sale is valid. This proves that the case of selling the field in *Yovel* is the one where the sale is reversed, and the money is returned.

The *Gemora* explains that Rav Anan did not know this *braisa*, and therefore was unsure. He couldn't resolve it from Shmuel's statement itself, as Shmuel may have meant that the sale is not valid, but the money paid is considered a gift. We have an example of such a situation when one betroths his sister with money. Rav says that the money is returned, while Shmuel says the money is considered a gift. (29b – 30a)

Who is Fined?

Abaye asked Rav Yosef why we fine the buyer of the slave, by not returning his money, instead of the seller.

Rav Yosef said that the buyer enabled the seller to sell, just like a hole enables a mouse to deposit its food.

Abaye challenged this, as the buyer was only able to buy since the seller was selling, just like a hole only gets food if the mouse brings it.

Rav Yosef answered that it is logical to fine the buyer, since he currently has the prohibited item (*i.e., the slave*). (30a)



INSIGHTS INTO THE DAF

Which Fields?

The *Mishna* states that a sale of land cannot be for less than two years. The Rishonim differ about whether this applies only to an inheritance field, or also to a field that one bought until *Yovel*. Rashi and the Rambam (*Pairush HaMishnayos*) say that it only applies to an inheritance field, while the Sefer Hachinuch says that it applies to both types of fields. The Sefer Hachinuch says that the reason for this restriction is to dissuade people from selling land in *Eretz Yisroel*, which applies to any sale of land.

Blight

The *Mishna* states that if one of the years the land was owned by the buyer was a year of blight or *shemittah*, it does not count as one of the two minimum years. Tosfos adds, based on the *Gemora* (BM 106a), that the blight had to occur globally, making all land unusable, just like *shemittah*. Otherwise, we still consider that year a year of crops, even though this field didn't produce any.

Valid or Invalid Sale

The *Gemora* discusses the dispute between Rav and Shmuel about one who sold his field during *Yovel*. Rav says the sale takes effect, but the field immediately returns to the seller, while Shmuel says that the sale does not take effect. Rav Anan was not sure whether Shmuel held that the money of the sale was returned or not.

Rashi explains that even if Shmuel held that the money isn't returned, he still disputes Rav on the fundamental nature of the sale.

The ramification of this dispute would be seen in two cases:

1. If the buyer chopped down trees, Rav would not hold him liable, as the sale took effect momentarily.

However, Shmuel would hold him liable, as it was never his field.

2. If movable items were included in the sale through an acquisition of *agav* – along with the field. According to Rav, the sale took effect, and therefore these items were acquired, while according to Shmuel, there was no sale, so the items were also not acquired.

Unspecified Cheirem

The *Mishna* cites the dispute between the Sages and Rabbi Yehudah ben Beseirah what an unspecified *cheirem* – donation is. The Sages say that it is for *Kohanim*, while Rabbi Yehudah ben Beseirah says it is for the maintenance fund of the Temple. Rav rules like Rabbi Yehudah ben Beseirah, as he learned that this was the majority position of the Sages.

The Rambam (Arachin 6:1) rules like the Sages. The Lechem Mishneh suggests that the reason the Rambam rules like this, against the ruling of Rav, is due to the *Gemora's* discussion of the two opinions' use of the verses. The *Gemora* states that the Sages say that the verse which says that all *cheirem* donations are sanctified to Hashem simply teaches that one may consecrate an existing sacrifice, while Rabbi Yehudah ben Beseirah learns that from the verse which states that one should consecrate the first born. The Sages say that the verse about the first born teaches that one should verbalize the sanctity of the first born as a sacrifice, while Rabbi Yehudah ben Beseirah follows Rabbi Yishmael who says there is no need to verbalize this. Since the Rambam (Bechoros 1:4) rules that one must verbalize the sanctity (based on the *Gemora* Nedarim 13a), he therefore ruled like the Sages in our *Mishna*, to be consistent with the *Gemora's* explanation.