

14 Tammuz 5779  
July 17, 2019



Arachin Daf 31

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**  
**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

### ***Redeeming Ancestral Fields***

The *Mishna* had stated: One may not sell a distant field [in order to redeem a nearer one, nor sell an inferior field in order to redeem one that is superior, nor borrow money in order to redeem a field, nor redeem it by halves.]

The *Gemora* cites a *braisa* which provides the Scriptural sources for the rulings of the *Mishna*: One has the right to forcibly redeem land that he sold only when he is using money he didn't have at the time of his sale, since the verse says *umatza* – and he found enough money to redeem with. The word *matza* indicates that he found it later, excluding a case where he had it all along, preventing one from converting between real estate and liquid assets to facilitate investment.

The *Gemora* challenges this understanding of the word *matza* from another *braisa*, which states that a killer (*unintentionally*) *matza* – found the victim (*and he must go to a city of refuge*). This word excludes a victim who appeared *after* the act which killed him.

Rava answers that each *braisa* is based on the context of the word *matza*. In the case of redemption of the land, the verse says that *hisiga yado* – he acquired and *matza* – he found. Just as acquiring implies something he did not previously own, so *matza* implies money he did not previously have. However, *matza* in the case of killing is in the context of a forest, which is present before the killer enters, and therefore implies that the victim was also present before. (30b)

### ***Redeeming Consecrated Fields***

The *Mishna* had stated: In the case of a consecrated field [however, all these things are permitted. In this respect, more stringency applies to a common person than to consecrated objects].

This is as the *braisa* states: “If he will surely redeem.” This teaches that one may borrow to redeem, and that he can partially redeem. Rabbi Shimon explains: Why is this? We find by an ancestral field that the seller's power has been enhanced, meaning that if he did not redeem it by *Yovel*, it goes back to his possession. However, his power is not enhanced in that he cannot borrow to redeem, and cannot partially redeem. Someone who consecrates such a field, whose power is not enhanced, meaning that if he did not redeem it by *Yovel*, it goes to the *Kohanim*, is strong in that he can borrow to redeem and can partially redeem. Someone who sells a house in a walled city, whose power is similarly not enhanced, in that if a year goes by and he did not redeem the house, it will go to the *Kohanim*, should similarly have the strength to borrow to redeem and partially redeem.

The *Gemora* asks a contradiction between two *braisos* (regarding the consecration of an ancestral field) if he can borrow to redeem and partially redeem or not, and the *Gemora* answers that one *braisa* is authored by the Sages (*that he cannot do so*), while the second *braisa* is authored by Rabbi Shimon (*that he could*). (30b – 31a)

### ***Mishna***

If one sold a house among the houses in a walled city, he may redeem it at once and at any time during the twelve months



(since the sale; afterwards, he cannot redeem it). It (the redemption of such a house) is a kind of interest (since the purchaser may inhabit the house free of rent, and when it is redeemed, the owner must refund the exact sum of the purchase without any deduction for rent), yet it is not interest (for the seller did not receive the money as a loan, rather, it was for the sale transaction).

If the seller died, his son may redeem it. If the purchaser died, it may be redeemed from his son.

One can reckon the year only from the time of the (original) sale (and even if the purchaser subsequently sold the house some time later, redemption can only take place within the twelve months from the initial purchase), as it is written: *until it is completed for him (the initial owner) a year.*

Since it is written: a full year, the intercalary month is included (and the seller has thirteen months in which he may redeem it). Rebbe says: He is allowed (in every year) a year and its intercalary days (he has the entire solar year to redeem it, consisting of 365 days, which is composed of the 354 days of the lunar year, plus the eleven days difference between the lunar and the solar year).

If the last day of the twelve months has arrived and it was not redeemed, it becomes the buyer's permanent possession. This applies no matter whether he bought it or received it as a gift, as it is written: *in perpetuity.* (31a)

## **Redeeming a House in a Walled City**

The Gemora notes that our Mishna (which rules that the house can be redeemed immediately) will not be in accordance with Rebbe, for it was taught in a braisa: Rebbe said: *Yamim* – days - that means no less than two days (the house cannot be redeemed until two days after it was sold)!

The Gemora asks: What do the Rabbis derive from the word: *yamim*?

The Gemora answers: They learn that a year is from the day (of the sale) to the (same) day (in the following year, and a "year" is not according to the calendar year).

Rebbe, however, derives the rule from the verse: *until the end of the year of its sale.*

The Gemora asks: What do the Rabbis derive from the word: *until the end of the year of its sale*?

The Gemora answers that this verse indeed is needed to teach that a year is from the day (of the sale) to the (same) day (in the following year, and a "year" is not according to the calendar year), and the word *yamim* indicates that a year is from the (exact) moment (of the sale) to the (same) moment (in the following year); for if the Torah would have only written: *until the end of the year of its sale*, one might have thought that it must be a full year from day to day, but not from the exact hour until the exact hour, therefore the Torah wrote: *yamim*.

Rebbe, however, derives the rule from the verse: a full year.

The Gemora asks: What do the Rabbis derive from the verse: a full year?

The Gemora answers: That is necessary for the inclusion of its intercalary period (that if there is a leap year, the seller has thirteen months to redeem the house).

The Gemora asks: But doesn't Rebbe, as well, require that verse for its intercalary days (that he has the entire solar year to redeem it, consisting of 365 days, which is composed of the 354 days of the lunar year, plus the eleven days difference between the lunar and the solar year)?

The Gemora answers: That indeed is so, but he maintains that a year is from the day (of the sale) to the (same) day (in the following year, and a "year" is not according to the calendar

year), and that the year is reckoned from the exact hour (of the sale) to (the exact) hour (of the following year), he derives them (both) from: until the end of the year of its sale.

The *Mishna* had stated: It (the redemption of such a house) is a kind of interest (since the purchaser may inhabit the house free of rent, and when it is redeemed, the owner must refund the exact sum of the purchase without any deduction for rent), yet it is not interest (for the seller did not receive the money as a loan, rather, it was for the sale transaction).

The *Gemora* asks from a *braisa* which states that it is real interest, except that the Torah has permitted it?

Rabbi Yochanan said: This is no difficulty, for our *Mishna* is in accordance with Rabbi Yehudah, whereas the *braisa* is according to the Sages, for it was taught in a *braisa*: One who borrows money, and (in lieu of payment) sells his field to his creditor (and stipulates that if he does not pay by a certain time, the field is sold to the creditor from this time, and if he does pay back, the sale is not valid), the Sages say that this is permitted only when the seller (i.e., the debtor) eats the produce, but if the buyer (i.e., the creditor) eats the produce, it is forbidden (for if the debt is eventually paid back, the sale of the field is null and void, and the creditor is receiving more than the amount that he loaned). Rabbi Yehudah says that even if the buyer eats the produce, it is permitted.

Rabbi Yehudah said that there was an incident with Baysos ben Zunin, who was instructed by Rabbi Elozar ben Azaryah to sell his field to his creditor, and that was a case where the buyer was eating the produce!

They replied: From there you bring a proof!?! The **seller** was the one eating the produce, not the **buyer**.

Abaye explains that the dispute is whether a case in which only one possible outcome will result in interest is permitted. In this case, only if the debtor pays back his loan will this result in interest, and Rabbi Yehudah therefore permits it – even if the debtor does pay back his loan. The Sages, however, hold that

even if the interest is dependent on one side of the transaction, it is still forbidden. [Our *Mishna* is also such a case, for it will be interest only if the seller redeems the house; accordingly, the *Tanna* of our *Mishna* is R' Yehudah, who permits such a case. The *braisa*, however, is following the opinion of the Sages, who hold that even if the interest is dependent on one side of the transaction, it is still forbidden, and therefore the redemption payment would be forbidden if not for the fact that the Torah explicitly permitted it.]

Rava says that everyone holds that even if the interest is dependent on one side of the transaction, it is still forbidden. Rabbi Yehudah only ruled that it is permitted here when the buyer will return the produce if the debtor pays back the loan, and the Sages maintain that it is forbidden even if the produce will be returned.

The *Mishna* had stated that if the seller died, his son may redeem it. The *Gemora* explains that based upon a Scriptural verse (if a man shall sell his house), I might have thought that only the seller himself could redeem it; therefore we are informed (based upon the verse: its redemption shall be) that even the seller's son may redeem it.

The *Mishna* had stated that if the purchaser died, it may be redeemed from the hand of his son. The *Gemora* explains that based upon a Scriptural verse (to the one who bought it), I might have thought that it may be redeemed only from the purchaser himself; therefore we are informed (based upon the verse: its redemption shall be) that it may be redeemed – even from the purchaser's son.

The *Mishna* had stated: One can reckon the year only from the time of the (original) sale [and even if the purchaser subsequently sold the house some time later, redemption can only take place within the twelve months from the initial purchase, as it is written: until it is completed for him (the initial owner) a year.]



A braisa cites a Scriptural verse (*until it is completed for him a full year*) that the year is counted according to the first (*purchase*).

The Gemora inquires: Whose possession does it become (*when the year passes and it was not redeemed*)?

Rabbi Elozar said: It becomes the possession of the first one. [Rashi explains this to mean that the first purchaser has a year after he sold it to redeem it; if he doesn't, it belongs permanently to the second one.] Rabbi Yochanan said: It becomes the permanent possession of the second (*for even the first purchaser loses the opportunity to redeem it once the initial year from the first transaction ends*).

The Gemora asks: This is quite understandable according to Rabbi Elozar, since we reckon according to him, but what is the reason for Rabbi Yochanan's view? [*Why does it automatically belong to the second purchaser?*]

Rabbi Abba bar Mammal said: What did the first buyer sell to the second? He sold him all the rights that he had in it (*and since he had a right to keep it permanently if it would not be redeemed within the first year, the second purchaser buys that right from the first one*).

Rabbi Abba bar Mammal said: If one sold two houses in a walled city, one on the fifteenth day of the first Adar, and the other on the first day of the second Adar, then the law is as follows: as soon as the first day of Adar in the next year has arrived, the year is complete for this one (*the one who bought it on the first day of the second Adar*), but for the one who bought it on the fifteenth of Adar, the year does not become complete before the fifteenth of Adar in the next year (*for this sale took place during an intercalary year, and thirteen months are necessary until the sale is permanent*).

Ravina asked: But let the first buyer say to the second: I lit a fire (*in my house*) before you lit one (*in your house*; and therefore, it should become permanent to me before you)?

The Gemora answers: [*The second one can respond by saying:*] You have chosen (*to buy it during*) the intercalated month (*and therefore you must wait*).

And Rabbi Abba bar Mammal said: If two firstborn lambs were born to someone's ewes, one on the fifteenth day of the first Adar, and the other on the first day of the second Adar, then the law is as follows: as soon as the first day of Adar in the next year has arrived, the year is complete for this one (*that which was born on the first day of the second Adar, and it should have been offered as a bechor sacrifice by then*), but for the one that was born on the fifteenth of Adar, the year does not become complete before the fifteenth of Adar in the next year (*for it was born during an intercalary year, and its year lasts thirteen months*).

Ravina asked: But let the first lamb "say" to the second: I was eating vegetables before you (*and therefore, my year should be completed before yours*)?

The Gemora answers: [*The second one can respond by saying:*] You came into the world during the intercalated month (*and therefore you must wait for thirteen months*); I did not arrive in the intercalated month! (31a – 31b)

## INSIGHTS TO THE DAF

### *The Fading Memories of Last Year*

In our Mishna we learn that the first year of sale of houses in walled cities, during which the seller may redeem the house from the purchaser, extends throughout the year, including the 13th month of a leap year and we do not subtract one month because of the leap month, and the halachah was so ruled (Rambam, *Hilchos Shemita Veyovel* 12:5).

The Chasam Sofer zt"l derived an interesting halachah from our Mishna (Responsa, *E.H.*, I, 119). As we know, Rabeinu Tam regulated that if a wife passes away during the first year of her marriage without bearing children, her husband must return her

dowry and ornaments to her father (see at length in Vol. 271 in the article “Rabeinu Tam: why and for what?”). The *poskim* discussed how one should behave in a leap year because Rabeinu Tam’s reason to limit the regulation to only one year was because after a year the giving of the dowry is forgotten from the heart and the father doesn’t greatly regret that his property went to his son-in-law. According to the author of *Shevus Ya’akov* (Responsa, II, 125), since the matter depends on forgetting, the regulation is no longer applicable after 12 months from the marriage and there’s no need to wait a whole year if it’s a leap year. However, the Chasam Sofer disagrees.

In his opinion, the source for such that one’s memory fades after a year is learnt from the halachah of houses in a walled city. Ramban explains (Vayikra 25:29) that the reason for the possibility to redeem a house during the first year of sale is because selling a house is hard for a person and therefore the Torah gave him a possibility to redeem it. However, after living elsewhere for a year, he gives up on his previous home and his memories fade. This is the source for the fact that memories fade after a year. As our *Mishna* explains that concerning houses in a walled city, a year means a complete year and that in a leap year the year includes 13 months, the same applies to Rabeinu Tam’s regulation.

What is the reason that, if a person forgets after 12 months, his memory becomes stronger because of the leap year? The Chasam Sofer explains that every holiday or fast-day contain special memories for anyone. When the first day of Pesach arrives, the seller of the house remembers the *seder* night which he held at his previous home. On kindling the Chanukah lights, he yearns for the shelf that he affixed at the entrance of the building in his youth and so on. Once the annual cycle passes over him with all its events, his painful memories fade as new memories from the last year push away previous ones. Therefore the matter does not depend on the number of months – 12 or 13 – but on a whole year with all its special days.

## DAILY MASHAL

### ***Why Doesn’t a House in a Walled City Return in the Yovel?***

The sale of a house in a walled city differs from such a sale in another city in that it doesn’t return to its previous owner in the *yovel*. *Meshech Chochmah* offers an interesting reason. People only build a wall around a city which needs protection from enemies. If the houses of the city would return to their previous owners in the *yovel*, there could be a situation where at once, in the *yovel*, the owners would return to their city when they don’t know each other for they haven’t seen one another for 50 years and are not well familiar with the city. If a war breaks out, the city would suffer badly if its residents don’t know it well and don’t know each other well enough to unite and defend themselves.

### ***“To Include”: An Addition to an Existing Halachah***

The phrase *lehavi* - to include - appears in Chazal’s statements a few times. What does it mean? A careful examination teaches us that it means that the halachah learnt here is not a new halachah but an addition to an existing halachah: We know that one may redeem a house during one year and now we learn that the year includes the leap month. This explanation stands out in Berachos 12b: “Ben Zoma says: ‘The days of your life’ – the days – ‘All the days of your life’ – the nights – while the *Chachamim* said: ‘The days of your life’ – this world – ‘All the days of your life’ – to include Mashiach’s era.” Ben Zoma **added** the obligation to mention the Exodus by night while the *Chachamim* only said that the obligation to mention it will not cease but will continue in Mashiach’s era and therefore they said “to include Mashiach’s era” (*Hagadah shel Pesach, ‘Iyunei HaHagadah*).

