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Arachin Daf 27

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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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

Mishna

If a man buys a field from his father and his father dies, and then he consecrates it, it is reckoned as “an ancestral field” (*for he inherited it before consecrating it; accordingly, he redeems it according to the fixed price of fifty shekalim of silver for an area of the field sufficient for the sowing of a chomer of barley; he also must add a fifth when redeeming it; if it is not redeemed, it goes to the Kohanim*). If he consecrated it and his father died afterwards, it is reckoned as “a purchased field” (*for he consecrated it while the father was still alive; accordingly, he redeems it according to its full value; if it is not redeemed, it does not go to the Kohanim by Yovel; this is all because we go after the time of consecration, and at that time, it did not fully belong to the son, for he would need to return it to his father, and consequently, when he consecrates it, he may only consecrate that which he himself owns*). These are the words of Rabbi Meir. Rabbi Yehudah and Rabbi Shimon, however, say: It (*even this last case*) is regarded as “an ancestral field.” This is because it is written: *And if he sanctifies to Hashem a field which he has acquired, which is not of the field of his ancestral heritage*. This is referring to a field which is not capable of becoming an ancestral field (*such a field has the laws of an acquired field*), and we therefore exclude a field such as this one, which is capable of becoming an ancestral field. A purchased field does not go out to the Kohanim by Yovel, since one cannot consecrate that which he does not possess. Kohanim and Levi'im can consecrate at any time, and redeem at any time, both before the Yovel and after the Yovel. (26b)

Ancestral vs. Acquired

The Gemora cites a braisa: How do we know that if a man buys a field from his father and then sanctifies it and his father subsequently dies, it is reckoned as “an ancestral field”? It is because it is written: *And if he sanctifies to Hashem a field which he has acquired, which is not of the field of his ancestral*

heritage. This is referring to a field which is not capable of becoming an ancestral field (*such a field has the laws of an acquired field*), and we therefore exclude a field such as this one, which is capable of becoming an ancestral field; these are the words of Rabbi Yehudah and Rabbi Shimon. Rabbi Meir says: How do we know that if a man buys a field from his father and his father dies, and then he sanctifies it, it is reckoned as “an ancestral field”? It is because it is written: *And if he sanctifies to Hashem a field which he has acquired, which is not of the field of his ancestral heritage*. This is referring to a field which is not his ancestral field at the time of consecration, and we therefore exclude a field such as this one, which is his ancestral field at the time of consecration. [However, a field which he sanctifies before his father dies is treated as an acquired field, not like Rabbi Yehudah and Rabbi Shimon.]

Now Rabbi Yehudah and Rabbi Shimon did not require any Scriptural text to teach us that in a case where his father died and then he sanctified the field, it is reckoned as “an ancestral field.” Is the following, then, the point at issue between them? Rabbi Meir holds that the possession of the produce is equivalent to possession of the thing, and therefore, in this case, the son (*who is in possession of the produce, for the field itself needs to be returned to his father by Yovel*) is not really inheriting anything upon the death of his father (*for he owned its essence after he purchased it*), and therefore if his father died and then he sanctified it, a Scriptural text is necessary to teach us that it nevertheless is regarded as “an ancestral heritage.” Rabbi Yehudah and Rabbi Shimon, however, hold that the possession of the produce is not equivalent to possession of the thing, and therefore, in this case, the son is inheriting the field upon the death of his father (*for up until then, all he had was the produce*), and therefore if his father died and then he sanctified it, no Scriptural text is necessary to teach us that it is regarded as “an ancestral heritage.” The text is only required to teach us regarding the case when he sanctified it before his

father died, and it teaches us that even there, it is reckoned as “an ancestral heritage.”

Rav Nachman bar Yitzchak said: In general, Rabbi Yehudah and Rabbi Shimon hold that the possession of the produce is equivalent to possession of the thing, but in this case Rabbi Yehudah and Rabbi Shimon found another text to expound from (*and therefore derived both cases from these verses*). If the Torah would have only wanted to exclude the case where the son sanctifies the field after the father died, it could have merely said, *And if he sanctifies to Hashem a field which he has acquired, which is not his ancestral heritage*. Why did the Torah have to write the seemingly superfluous words, “*of the field*” of his ancestral heritage? He therefore excludes from there even a field which is capable of becoming an ancestral field (*if he sanctifies the field and then his father dies*). (26b – 27a)

Kohanim Consecrating & Redeeming

The *Mishna* had stated: *Kohanim* and *Levi'im* can consecrate at any time, and redeem at any time, both before the *Yovel* and after the *Yovel*.

The *Gemora* asks: Granted that it is necessary to state that the *Kohanim* may redeem, for this would exclude *Yisra'elim* who may redeem (*an ancestral field*) only up to the year of *Yovel*. That is why we the *Mishna* informs us that *Kohanim* and *Levi'im* may redeem at any time. But concerning their ability to consecrate, why does the *Mishna* teach us about *Kohanim* and *Levi'im* since *Yisra'elim* may do the same?

The *Gemora* suggests that perhaps you will say that it refers to the year of *Yovel* itself (*that a Kohen may consecrate his field during a Yovel year*). This would be well according to the view of Shmuel who says that in the year of *Yovel* itself, it (*the ancestral field*) acquires no sanctity whatsoever, and therefore the *Mishna* informs us that *Kohanim* and *Levi'im*, however, may consecrate – even during *Yovel*. But according to the view of Rav, why mention *Kohanim* and *Levi'im*; *Yisra'elim* too, may consecrate at any time - even in the year of *Yovel*?

The *Gemora* asks: But even according to your reasoning, for what purpose does the *Mishna* teach: both before the *Yovel* and after the *Yovel* (*if the only novelty is regarding the year of Yovel itself*)?

Rather, we must explain that it is because the *Mishna* (*in the beginning of the chapter*) taught in the first part: before the *Yovel* ... and after the *Yovel*, therefore he taught in the second part too: both before and after the year of *Yovel*. And since he taught in the first part: They may neither consecrate ... nor redeem, the *Mishna* teaches in the second part as well: *Kohanim* and *Levi'im* can consecrate at any time. (27a)

WE WILL RETURN TO YOU, EIN MAKDISHIN

Mishna

If one consecrates his field when *Yovel* is not in force (*during a time that some of the Jewish people had been exiled out of Eretz Yisroel*), they say to him (*when auctioning the field for its value*): You begin first, since the owner pays the additional fifth, and no other person pays the fifth (*and therefore it is beneficial to hekdesh if the owner is the one who redeems it*).

It once happened that one consecrated his field because of its poor quality, and they said to him: You begin first. He said: It is mine for one *issar* (*a small coin*). Rabbi Yosi said: He did not say “for an *issar*,” but “for an egg,” since *hekdesh* can be redeemed with money or with something worth money. The treasurer said to him: It is yours! Thus he lost an *issar* and his field was his. (27a)

Forcing the Owner to Redeem

The *Mishna* had stated: If one consecrates his field when *Yovel* is not in force, they say to him, etc.

The *Gemora* asks: They merely say to him!? But was it not taught that they force him (*to place the first bid*)?

The *Gemora* answers: the *Mishna* means that they force him.

Alternatively, they initially tell him (*to place the first bid*), and if he listens, he listens, but if not, they force him.

The *Mishna* had stated: Since the owner pays the additional fifth.

The *Gemora* asks: Why not say that since the field is dear to him, he will pay more to redeem it (*and that will be his incentive to bid*)?

first)? And furthermore, the *mitzvah* to redeem it rests upon the owner!?

The *Gemora* answers: The *Tanna* of the *Mishna* is saying “one reason and then another.” One reason is that it is dear to him and so he will pay more to redeem it; and another is that the *mitzvah* to redeem it rests upon the owner, and furthermore, the owner is the one who pays an additional fifth.

The *Mishna* had stated: It once happened that one consecrated his field, etc.

The *Gemora* suggests that they are disputing the following principle: Rabbi Yosi holds that something worth money is like money (and therefore it can be redeemed with an egg), while the Rabbis are of the opinion that something worth money is not like money.

The *Gemora* asks: But we have an established principle that something worth money is like money?

The *Gemora* explains the *Mishna*'s dispute differently: All agree that something worth money is like money, but here they are disputing whether one may redeem from *hekdesh* with an object whose fifth will not be worth one *perutah*; the *Tanna Kamma* holds that one can redeem with an *issar*, for its fifth is worth one *perutah* (but not with an egg), whereas Rabbi Yosi holds that one may redeem with an egg as well. (27a)

Mishna

If one said (when *hekdesh* began the auction): I will acquire it for ten *sela'im*, and another fellow said: I will acquire it for twenty, and another fellow said: I will acquire it for thirty, and another fellow said: I will acquire it for forty, and another fellow said: I will acquire it for fifty, and the one that bid fifty recanted (his bid; and *hekdesh* sold it to the person who bid forty), they exact from his property up to ten *sela'im* (for one who says that he will give something to *hekdesh* is legally responsible to fulfill his commitment). If the one who bid forty recanted, they exact from his property up to ten *sela'im*. If the one who bid thirty recanted, they exact from his property up to ten *sela'im*. If the one who bid twenty recanted, they exact from his property up to ten *sela'im*. If the one who bid ten recanted, they sell the field for what it is worth

(or whatever they can fetch for it), and collect the balance from the one who bid ten.

If the owner bid twenty and someone else bid twenty, the owner takes precedence, because he must add one fifth. If one said: I will acquire it for twenty-one *sela'im*, then the owner must pay twenty-six. [He pays twenty for that is what he bid. He pays five more, for that is the additional fifth (when he pays 5, that will be a fifth of 25). He pays another one, for that was the highest bid, and that becomes its worth; see *Kehilas Yaakov* for further explanation for this.] If one bid twenty-two, the owner must pay twenty-seven. If he bid twenty-three, the owner must pay twenty-eight. If he bid twenty-four, the owner must pay twenty-nine. If he bid twenty-five, the owner must pay thirty. [The *Mishna* explains why in each of the cases the owner adds a fifth only to his bid] for he doesn't need to add the fifth to what the others bid more. If one said: I will acquire it for twenty-six, then if the owner was willing to pay thirty-one *sela'im* and one *dinar*, the owner takes precedence. And if not, we say to the other person: It has become yours. [He is not forced to pay the higher amount, for the other fellow's bid is higher, and *hekdesh* will not lose out.] (27a – 27b)

Recanting

Rav Chisda said: This (that if the bidder of fifty recanted, they take from his property up to ten *sela'im*) was taught only if he who bid forty stands by his bid, but if he who bid forty does not stand by his bid, then we divide it among them. [The loss is divided among the bidders of fifty and forty; the one who bid fifty is responsible for fifteen (sharing the loss in the difference between forty and thirty), and the one who bid forty is responsible for five *sela'im*.]

The *Gemora* asks from our *Mishna*: If the one who bid forty recanted, they exact from his property up to ten *sela'im*. But why so? Let him who bid fifty pay together with him (and he should only be responsible for five)?

The *Gemora* answers: It refers to the case where there was no one who bid fifty.

The *Gemora* asks from our *Mishna*: If the one who bid thirty recanted, they exact from his property up to ten *sela'im*. But why so? Let him who bid forty pay together with him (and he should only be responsible for five)?



The *Gemora* answers: It refers to the case where there was no one who bid forty.

The *Gemora* asks from our *Mishna*: If the one who bid twenty recanted, they exact from his property up to ten *sela'im*. But why so? Let him who bid thirty pay together with him (*and he should only be responsible for five*)?

The *Gemora* answers: It refers to the case where there was no one who bid thirty.

The *Gemora* asks a final challenge from our *Mishna*: If so, let us consider the latter ruling of the *Mishna*: If the one who bid ten recanted, they sell the field for what it is worth (*or whatever they can fetch for it*), and collect the balance from the one who bid ten. But why so? Let him who bid twenty pay together with him (*and he should only be responsible for five*)?

And if you would say that here too, it refers to the case where there was no one who bid twenty, then instead of stating: and collect the balance from the one who bid ten, the *Mishna* should have stated: and collect from him (*for he is the only one*)?

Rather, said Rav Chisda, this is not difficult at all, for I was referring to a case where they recanted simultaneously (*and that is when the one who bid fifty shares in the other's responsibility*); the *Mishna*, however, is referring to a case where they recanted one after the other (*and therefore, the one who bid fifty is not responsible at all for the difference between thirty and forty, for at the time when he recanted, hekdesch stood to receive forty*).

The *Gemora* cites a supporting *braisa*: If all of them recanted simultaneously, they split it (*the responsibility*) among them. But, the *Gemora* challenges the *braisa*, did we not learn in the *Mishna* that they exact from his property up to ten *sela'im*? It is therefore evident that the explanation is like Rav Chisda.

There were those who put it in the form of a contradiction: It was taught in our *Mishna*: If the one who bid ten recanted, they sell the field for what it is worth (*or whatever they can fetch for it*), and collect the balance from the one who bid ten. But it was taught in a *braisa* that they split it (*the responsibility*) among them?

Rav Chisda answered: This is no contradiction, as the *braisa* is referring to a case where they recanted simultaneously, and the *Mishna* is referring to a case where they recanted one after the other. (27b)

INSIGHTS INTO THE DAILY DAF

A Forced Redemption

The Gemara quotes a *Beraisa* which teaches that when one is Makdish his Sedeh Achuzah during the time that the laws of the Yovel year do not apply, Beis Din forces the owner of the field to redeem it. However, the Mishnah in Bechoros (13a) teaches that mid'Oraisa the redemption (of objects sanctified to Hekdesch) by the original owner is merely "l'Mitzvah," preferable, but not obligatory. (This is similar to the Mishnah's teaching that it is preferable to perform Yibum rather than Chalitzah, but it is not obligatory.) Why, then, does the Gemara here rule that Beis Din forces the owner to redeem his field? (**TOSFOS DH Mai**)

RABEINU GERSHOM implies that the case of redeeming a sanctified field is different. Beis Din forces the owner to redeem the field because Hekdesch will benefit from the extra fifth that the owner must pay upon redemption.

TOSFOS answers that Beis Din wants someone to redeem the field lest people inadvertently use the field for personal benefit and transgress the prohibition of Me'ilah (using a sanctified object for personal benefit). Therefore, Beis Din forces the original owner to redeem the field.

RAMBAM (Hilchos Erchin 5:1, according to the **RADBAZ**) explains that Beis Din forces the owner to redeem the field because of the profit to Hekdesch in the principle value of the field (and not just the additional fifth that the owner must add). If the owner does not redeem the field, there is a concern that perhaps no one at all will redeem the field. (Accordingly, when the laws of the Yovel year are observed, Beis Din does *not* force him to redeem the field because the Kohanim will acquire the field upon Yovel if he does not redeem it.)