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Arachin Daf 32

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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

**Mishna**

At first, a man (*who had purchased a house from another in a walled city in Eretz Yisroel, where the seller has a right to redeem within the first twelve months; otherwise, the house will belong to the buyer forever, even after Yovel*) used to hide himself (*from the seller*) on the last day of the twelve-month period, so that the house should become his forever. Hillel the Elder, therefore, enacted that the seller should throw his money into a certain chamber and that having done so, he could break the door of his house and enter, and the buyer, whenever he wants, can come and take his money. (31b)

**Forced Acceptance**

Rava said: From the fact that Hillel’s regulation was necessary, we may learn that if a man said to his wife, “This is your *get* on the condition that you give me two hundred *zuz*,” and she gave it to him, if he accepted the money willingly, she is divorced, but if she had to force him to take the money, she is not divorced. For since Hillel decreed in this instance that the money given by force to the buyer should be accounted as “giving,” we can infer that in general, money given by force is not accounted as “giving.”

Rav Pappa, or some say, Rav Simi bar Ashi asked: But perhaps Hillel’s regulation was necessary only where the money was given when it was not in the buyer’s presence, but where it was made to him in his presence, it would be regarded as a “giving” whether he was willing to receive it or not?

The *Gemora* cites another version: Rava said: From the fact that Hillel’s regulation was necessary, we may learn that if a man said to his wife, “This is your *get* on the condition that you give me two hundred *zuz*,” and she gave it to him, whether he accepted the money willingly or she had to force him to take the money, it would be regarded as a “giving.” For since Hillel decreed in this instance that the money given by force when it was not in the buyer’s presence is regarded as “giving,” but where it was made to him in his presence, it would be regarded as a “giving” whether he was willing to receive it or not.

Rav Pappa, or some say, Rav Simi bar Ashi asked: But perhaps even if it was made to him in his presence, it would be considered a “giving” only if he accepted the money willingly, but if it was given against his will, it would not be regarded as a “giving,” and Hillel enacted his regulation only where it was necessary (*when the money was given when the buyer was not present*). (31b – 32a)

**Mishna**

Whatsoever is within the city wall is regarded as houses in a walled city (*and therefore can be redeemed within a year of their selling date*), with the exception of fields. Rabbi Meir says: also fields (*are included in a walled city*).

If a house is built into the wall, Rabbi Yehudah says: It is not considered a house within a walled city. Rabbi Shimon says: Its outer wall is regarded as the city wall. (32a)

### **Houses; not Fields**

The *Gemora* cites a *braisa*: It is written: *house*. I know only about a house; from where do I know to include the selling of an olive press, bathhouse, cupboards, dovecotes, cisterns, trenches and caves? Therefore it is written: *that is in the city*. One might have thought that fields are also included; therefore it is written: *house*; these are the words of Rabbi Yehudah. Rabbi Meir says: *house*; therefore I know only about a house. From where do I know to include the selling of an olive press, bathhouse, cupboards, dovecotes, cisterns, trenches, caves, and also fields? Therefore it is written: *that is in the city*.

The *Gemora* asks: But surely it is written: *house*?

Rav Chisda said in the name of Rav Katina said: The practical difference between them applies in the case of a pebble ground or a sand mound (*inside of a walled city*). And it was also taught like this a *braisa*: Concerning a pebble ground or a sand mound, Rabbi Meir said: They are as houses (*for they cannot be used for planting, and they are used in the construction of houses*), whereas Rabbi Yehudah said: They are as fields. (32a)

### **Mishna**

A city whose roofs (*of its houses*) form its wall, or that was not surrounded by a wall in the days of Yehoshua the son of Nun, is not considered a house in a walled city. A house in any of the following is regarded as a house in a walled city: A city of no less than three courtyards, having two houses each, which have been surrounded by a wall in the days of Yehoshua the son of Nun, such as Old Katzra of Tzipori, Chakra of Gush Chalav, Old Yodfas, Gamla, Gedod, Chadid, Ono and Yerushalayim, and all that are like them. (32a)

### **Wall in the Days of Yehoshua**

The *Gemora* cites a *braisa*: It is written: *a wall*, but not a line formed by joining roofs. *A surrounding wall* - that excludes

Tiberias whose wall (*on one side*) is the lake. Rabbi Eliezer ben Yosi says: *asher lo chomah* - even though it has none now, as long as it had one before (*in the days of Yehoshua the son of Nun*).

The *Gemora* asks: But is a house in Yerushalayim subject to becoming a permanent sale? Was it not taught in a *braisa* that ten regulations were applied to Yerushalayim, and one of them was that a house sold there is not a permanent sale (*for it was not apportioned to a specific Tribe; rather, they all have an equal right in it, and therefore, it cannot be permanently sold*)?

Rabbi Yochanan said: The *Mishna* means a city like Yerushalayim: one that was surrounded by a wall in the days of Yehoshua ben Nun, yet not like Yerushalayim - for in Yerushalayim, no house was permanently sold, but here, a house can be permanently sold.

Rav Ashi said: There were two cities called Yerushalayim.

The *Gemora* cites a *braisa*: Rabbi Yishmael the son of Rabbi Yosi said: Why did the Sages enumerate these (*eight walled cities as those which had walls surrounding them in the days of Yehoshua; there were many more which could have been mentioned*)? It was because when the exiles returned, they came upon these, and sanctified them; but the sanctity of the earlier ones was abolished when the sanctity of the land was abolished. Evidently, he holds that the initial sanctification was only for that time, but not for the future.

But, the *Gemora* points out a contradiction: Rabbi Yishmael the son of Rabbi Yosi said: Were there only these (*eight*) cities? Surely it is written: *Sixty cities, the entire region of Argov, the kingdom of Og in Bashan. All these were fortified cities, with high walls*. Then why did the Sages enumerate only these? It is because when the exiles returned, they found these, and sanctified them.

The *Gemora* interrupts: They sanctified them now! Surely it

will be stated that it was not necessary to sanctify them!?

The *Gemora* emends the *braisa* to read: They found these, and enumerated them.

The *braisa* continues: And there were not only these, but any city about which you may have a tradition from your fathers that it was surrounded by a wall in the days of Yehoshua, the son of Nun, then all these *mitzvos* (*regarding the sale of a house: one who sells a house inside a walled city has one year to redeem the house, but if he chooses not to redeem the house, it becomes the property of the buyer permanently; sending a metzora outside the city; and that the open space (1,000 cubits) surrounding the city should be left uncultivated*) apply to it; because the initial sanctification was for that time, and for the future.

There is thus a contradiction between the statement of Rabbi Yishmael the son of Rabbi Yosi (*in the first braisa that he initial sanctification was only for that time, but not for the future*), and that of Rabbi Yishmael the son of Rabbi Yosi (*in the latter braisa that the initial sanctification was for that time, and for the future*)!?

The *Gemora* answers: Either you may say that they reflect the opinions of two *Tannaim* who disagree about the opinion of Rabbi Yishmael the son of Rabbi Yosi. Alternatively, you may say that one of the statements was said by Rabbi Elozar the son of Rabbi Yosi, for it has been taught: Rabbi Elozar the son of Rabbi Yosi said: The Torah says: The city that has a wall - although it does not have a wall now, as long as it had one before (*at the time of Yehoshua, it is considered a walled city*). [*Evidently he holds that the initial sanctification was for that time, and for the future.*] (32a – 32b)

## INSIGHTS TO THE DAF

### ***Was Chevron Surrounded by a Wall?***

The *Gemara* says that even a city not surrounded by a wall at the time of the sale but which was walled in Yehoshua's era is considered walled. This halachah opens a gate to broad discussions about different locations as to whether they were previously walled and therefore included in the cities defined as walled. The subject is not practical for our era as the halachah of selling a house in a walled city is in practice only when the *yovel* is in practice but this question applies to the time for reading the Megillah on Purim as the residents of walled cities observe Purim on 15 Adar and the residents of cities which had no wall in Yehoshua's era observe Purim on 14 Adar.

### **Reading the Megillah in Chevron on the two days of Purim:**

Chevron is one of the major topics in this discussion: Was Chevron surrounded by a wall in Yehoshua's era? The question already hovered over the city over 400 years ago and the Chida wrote a summary of the matter in his work: "*Chevron 'Ir Kodsheinu*: The Radbaz wrote in a responsum that it is obvious that it wasn't walled in Yehoshua's era and they read on the 14th but it is an ancient custom to read it there on the 14th and 15th because of the doubt" (*Birkei Yosef, O.C. 688, os 2*, and similarly in *Responsa Chayim Shaal, II, 38, os 94*).

We thus have a disagreement between the Radbaz and the local custom observed by "holy rabbis" (according to the Chida in *Responsa Chayim Shaal, ibid*). Is Chevron an unwalled city or must we suspect that it was once surrounded by a wall?

Ours is the only *sugya* in *Shas* which concerns the identity of the walled cities. Our mishnah counts a few cities as walled and the *Gemara* wonders: "What did he say?" Are these the only walled cities? Abaye answers "Until Gamla in the Galilee, until Gedud across the Jordan and Chadid and Ono

and Yerushalayim in Judea” (see Responsa *Mishnas Yosef*, I, 54, for an explanation of the Radbaz, II, 681). We should pay attention that concerning the Galilee, Abayei does not say “Gamla” but “until Gamla” – i.e., all the towns in the Galilee up to Gamla are walled while concerning Yerushalayim he only mentions Chadid, Ono and Yerushalayim and it therefore seems that only they were walled.

The Radbaz brings further proof for his opinion from that stated at the end of our tractate (33b, 34a) that cities of refuge were established only in unwalled cities. But Chevron served as a city of refuge, as stated in Yehoshua 20:7, thus we must conclude that it was unwalled.

Nonetheless, the ancient custom was to observe both days of Purim in Chevron and HaGaon Rav Y. Lieberman explains the custom in his Responsa *Mishnas Yosef* (ibid). According to the “holy rabbis” in Chevron, who observed Purim on both days, we shouldn’t conclude from Abayei’s statement that there weren’t other cities in Judea aside from Chadid, Ono and Yerushalayim because from the words of the mishnah it seems the opposite” “...and Chadid and Ono and Yerushalayim and also similar ones”. We thus see that there were other cities. Moreover, Rabbi Yehosef Schwartz zt”l, the author of *Tevuos HaAretz*, proves in his Responsa *Divrei Yosef* (2) that our mishnah only counts the cities walled in Yehoshua’s era that were settled in the Mishnaic era. In other words, even if we conclude from Abayei’s statement – that Chadid, Ono and Yerushalayim were the only cities in Judea walled in Yehoshua’s era – that is because they were the only cities settled in the Mishnaic era and therefore Chevron and other cities were not mentioned as they were laid waste at that time.

He also cites a fine rejection of the Radbaz’s second proof. The Radbaz claimed that Chevron is unwalled as it served as a city of refuge. Indeed, when it served as a city of refuge, it was already unwalled but in Yehoshua’s era it was walled as the reluctance to establish a refuge in a walled city does not

concern a wall from Yehoshua’s era but only a city which is actually walled now.

**Removing a wall to create a city of refuge:** The author of *Tevuos HaAretz* hence proves that Chevron was walled in Yehoshua’s era. After all, we have an explicit verse that Efron talked with Avraham in Chevron “in the presence of all who came in the gate of his city”. If there was a gate, it was in a wall for otherwise it had no purpose. Moreover, when Kalev requested from Yehoshua “this mountain...for there are giants there and big and fortified cities...and he gave Chevron to Kalev” (Yehoshua 14:12). We must conclude that at first it was walled and when they wanted to qualify it as a city of refuge, they demolished the wall, as explicitly stated in our Gemara, that if the Leviim won walled cities by lot, they removed their walls to qualify them as cities of refuge. We can therefore understand the ancient custom in Chevron to read the Megillah on both days because of the doubt (see further in Responsa *Mishnas Yosef*, 53, as to why such a city is considered walled since Yehoshua’s era concerning reading the Megillah).

## DAILY MASHAL

### It Was Impossible to Make Sukkos in Yerushalayim

Our Gemara explains the verses in Nechemyah, that in Ezra’s era people built sukkos in Yerushalayim for the first time since Yehoshua’s time, when they sanctified Eretz Israel and began to count the *shemittah* and *yovel*. What has the *shemittah* have to do with sukkos? The Malbim explains (Nechemyah 8:12) that the connection between the topics stems from the halachah that one mustn’t build a sukkah in a public space. As Yerushalayim was not divided among the tribes, it was all a public space and it was impossible to build sukkos in the whole city! As soon as Ezra acquired and sanctified the land anew (which also renewed the counting of *shemittah* and *yovel*), he made a condition that they could make sukkos in Yerushalayim and in all public spaces in Eretz Israel (see further ibid).