

32.7.1

24a → 25a (משנה או 1) (וכל אדם אין נותנין חומש)

Note: if someone dedicates their ancestral land ("שדה אחוזה"), they have until יובל to redeem it – at the fixed price of 50 סלע per בית כור; this amount is reduced for each year closer to יובל that they are redeeming. Since, however, according to most (see below), a field cannot be מוקדש during יובל itself, the longest period possible is 49 years – so the 50 סלע must be divided into 49 years – the rate then is 1 סלע + 1 פונדיון per year; with 48 פונדיון per סלע.

1. אם משנת היבול יקדיש שדהו כערך יקום: ויקרא כז, יז
 2. ואם אחר היבול יקדיש שדהו וחשב לו הפהון את הקסף על פי השנים הנותרת עד שנת היבול ונגרע מערך: ויקרא כז, יח
 3. ואם משדה אחוזתו יקדיש איש לה' והיה ערך לפי זרעו זרע חמר שערים בחמשים שקל כסף: ויקרא כז, טז

- I הקדש שדה אחוזה/הקדש limitations on משנה או
- a Before: cannot מקדיש a field with less than 2 years to go to יובל
- i Challenge (ברייתא): we may be מקדיש anytime before or after יובל; but if during יובל – not קדוש
- ii Answer (רב ושמואל): means we cannot מקדיש to be redeemed by reduction (גירוע) with less than 2 years to go to יובל
- iii Therefore: since "reduction" won't work (→ he'll have to pay full 50 per ב"כ), he should be careful not to be מקדיש
- b After: cannot redeem field in first year after יובל
- c Partial years: we cannot figure them to our advantage, but הקדש may reckon them
- II Dispute שמואל about status of שדה אחוזה which the owner was מקדיש during יובל
- a קדושה דב – and he must pay full 50 per ב"כ to redfeem
- b קדוש at all שמואל
- i it's understood why שמואל has this same dissenting position in re: יובל מכירה during יוסף
- 1 Reason: he employs ק"ו – if a sold field reverts, ק"ו that a field cannot be sold
- 2 However: here, there is no ק"ו to employ
- (a) Proof: ערכין ז:ד – if יובל arrives and it isn't redeemed, כהנים take over field and pay for it (i.e. redemption)
- 3 Defense: שמואל holds like ר"ש (ibid) – כהנים take over field without paying (→ ק"ו exists here as well)
- (a) דב would answer that in any case, it doesn't revert to original owners; it goes to כהנים via "שלחן גבוה"
- ii דב's rationale: v. 1 – אם משנת היובל – including the year of יובל
- 1 שמואל doesn't say בישנת היובל, rather משנת, meaning, the year after יובל
- iii challenge: רב is supported by v. 1 and v. 2; but how will שמואל explain v. 2 (if v. 1 is after יובל, what is היובל?)
- 1 Answer: אחר means "after the post-יובל" (אחר)
- iv Challenge (to רב) ברייתא (above) that we may be מקדיש before and after יובל, but not during – if done, not קדוש
- 1 דב could answer that אינה קדושה means - no reduction, but is קדוש and he pays full 50 for פדיון
- (a) Implication: if before יובל, we can employ כסף גרועון?
- (b) However: both רב and שמואל ruled (see above) that if מוקדש within last 2 years before יובל, no כסף גרועון
- (c) דב could answer that the ברייתא follows רבנן (עד is exclusive); he follows רבי, per ראשון/שביעי (above)
- v Challenge: according to רבי, if all 50 years can be used for הקדש ("ועד ועד בכלל"), why add the פונדיון (see note)
- 1 Proposal: רבי doesn't apply the פונדיון
- 2 Rejection: רבי explicitly rules to add one פונדיון to each סלע
- (a) Answer: רבי follows יהודה ר' who reckons the יובל as year #50 and year #1 (→ he also allows for 49 years as a maximum period of שדה אחוזה – see note)
- (b) Proposal: according to שמואל רבי agrees with רבנן (contra יהודה ר' re: status of year #50)
- (i) Support: if he followed ר"י, he would require a סלע and 2 פונדיונות
- vi Challenge (to רב): from our משנה – may not redeem within 1st year after יובל
- 1 דב "after יובל" means in the middle of the יובל period; he may not redeem via reduction until a year
- (a) Question: what is that teaching – that we cannot "reckon months" with הקדש? That is explicit in our משנה
- (b) Answer: that is providing the reason – the reason we must wait a year is because we don't reckon months
- III Source for ruling at end of משנה – we don't reckon months with הקדש
- a ברייתא source – v. 2 – we only reckon months, not years
- b Yet: הקדש may consider months to be a full year, per v. 2 – וחשב לו הכהן (e.g. he was מקדיש midway in year #48)

- IV 2א redemption of שדה אחוזה in a period when יובל is in practice
- a *Payment*: 50 שקל of silver per זרע חומר שעורים (v. 3)
- i *If*: there were ditches 10 טפחים deep or mounds 10 טפחים high – not reckoned with field
- ii *If*: they were shallower – reckoned along with the field
- 1 *Measure*: כור of seed, not crop; dropped by hand, not by oxen (with dragged seed-bag)
- 2 *לי*: not overly tight planting, nor sparse – but average
- 3 *Question*: why aren't ditches/mounds קדוש independently of the field?
- (a) *Proposal*: if they are less than כור בית, not קדוש
- (b) *Rejection*: ברייתא reads "שדה" as extending rule to any size
- (i) *Answer*: ditches are filled with water → can't be planted (not בית זרע)
1. *Proof*: taught in parallel to סלעים, which are not arable
- (ii) *Question*: if so, even the smaller ditches/mounds should be excluded
- (iii) *Answer*: these are considered "little pockets" or "bumps" in the ground
- b *If*: he was מקדיש field 2-3 years before יובל, he gives 1+סלע 1 פונדיון per year
- i *Source*: ברייתא – v. 2. ונגרע מערכך – even from הקדש; if הקדש used it or just owned it for a few years, he pays 1+סלע 1 פונדיון for each year left
- c *And if*: he offered to pay each year's amount per year – we don't allow him – must pay all
- i *Source*: ברייתא – per v. 2, הכסף must be paid at once
- V ב *משנה*: payment is the same whether the owners or an outsider redeem field
- a *However*: they are distinct; owners pay חומש, outsider doesn't pay חומש