

32.9.2

31a (משנה ג) → 32a (ולא בעיר חומה)

1. ואם לא יגאל עד מלאת לו שנה תמימה וקם הבית אשר בעיר אשר לו חמה לצמיחת לקנה אתו לדרתיו לא יצא ביביל ויקרא כה, ל
 2. ואיש כי ימכר בית מושב עיר חומה והיתה גאלתו עד תם שנת ממכרו ימים תהיה גאלתו: ויקרא כה, כט
 3. ואם לא מצאה ידו די השיב לו והיה ממכרו ביד הקנה אתו עד שנת היובל ויצא ביביל ושב לאחזתו: ויקרא כה, כח
 4. ותורדם בתבל בעד החלון כי ביתה בקיר החומה ובחומה היא יושבת: יהושע ב, טו

- I g משנה ג: rules of redeeming a house in חומה (city walled at times of יב"ג)
- a if: he sells a house in חומה, עיר, he may redeem (force a buy-back) immediately and for the next 12 months
- i note: this is at odds with רבי ימים – (v. 2) means at least two days (before it can be redeemed)
- 1 דבנן: read "ימים" as day-to-day (not an objective calendar year)
 - 2 דבי: infers that from תום שנת ממכרו (v. 2)
 - (a) דבנן: use that for day-to-day and ימים for hour-to-hour
 - (b) דבי: infers "hour-to-hour" from תמימה
 - (i) דבנן: use "תמימה" – as does רבי – for extension (see below, (d))
 - (ii) Rather: רבי infers both days and hours from שנת ממכרו
- b observation: this [seems to be] (is a form) of רבית without it being [real] (a violation of) רבית
- i challenge: ברייתא comments that it is רבית but the תורה permitted it
- ii answer (ר' יוחנן): ברייתא is רבנן; our משנה follows יהודה ר' in re:
- 1 Case: lender "buys" field rent-free; if seller eats מירות – permitted; if buyer, רבנן forbid and ר' יהודה allows
 - (a) Dispute: whether רבית is (i.e. it may not play out to be רבית) מותר
 - (b) דבא: all agree that רבית אסור; dispute is להחזיר
- c in case of death: of either the seller or buyer, redemption can be effected by – or from – heir
- i justification: v. 2 (seller) - והיתה גאולתו extends; and v. 1 (לקונה אותו) – but v. 2 (גאולתו) extends to heirs
- d extension: v. 1 stipulates a full year from day of sale
- i שנה ברייתא (v. 1) is unclear – is it 1 year from original sale or even from resale (to 3rd party)?
- 1 Answer: from שנה תמימה לו – means from original sale.
 - 2 Question: who is "cut out" at that point?
 - (a) ד"א: only the first seller
 - (b) ד' יוחנן: even second seller
 - (i) Note: ד"א's approach is understood – we count from his sale
 - (ii) But: what is ד"א's approach?
 1. Answer (ר' אבא בר ממל): the 1st sold the 2nd all of his rights – including buy-back for 1 year
 2. Tangent (ר' אבא בר ממל): שנה מעוברת affected by הלכות counterintuitive
 - a. If: a man sold 2 בע"ח, 1 on א אדר and the 2nd on ב אדר
 - i. He loses: 2nd one first (א אדר) and 1st one later, due to שנה עיבור
 - b. And if: a man had two lambs born, א אדר, and then א אדר
 - i. Then: younger one becomes a post-yearling earlier, due to שנה עיבור
 - c. Justification: בע"ח defined by "תמימה", wouldn't know to apply to lambs – קמ"ל (via שנה::שנה)
- e תמימה: extends further
- i דבנן: extends a thirteenth month if the year is מעובר
- ii דבי: extends 11 days to every (standard lunar) year – to match a solar year

- II 17 **משנה** if end of 12 months comes without being redeemed, becomes permanently owned (חלוט) by buyer
- a *note*: this entire system applies whether the house was sold or gifted – per צמיתות (v. 1)
- i צמיתות alone would teach permanence of sale; צמיתות extends to gifts
- 1 *observation* (*students of ר"פ*): this is *contra* ר"מ, who holds מתנה אינה כמכר (in re: reversion of יובל) (מתנת שדה אחוזה ביובל)
 - 2 *response*: even ר"מ would agree; per לצמיתות, extra רבוי extends to מתנה
 - (a) *rejection* (*either students or ר"ה בד"י to ר"פ*): in re יובל, states תשובו – which also “extends” to מתנה, yet ר"מ dissents there → he dissents here and our משנה does not accord with ר"מ
- b **ברייתא**: if someone is מקדיש a house in ע"ה, he may redeem forever (unaffected by יובל)
- i *if*: another redeemed it from הקדש and 12 months passed from time of redemption – חלוט to the גואל
- 1 *source* (*שמאל*): לקונה אותו (v. 1) – even הקדש
 - (a) *challenge*: if so, why isn't it חלוט to הקדש?
 - (b) *answer*: v. 1 specifies לדורותי – which הקדש doesn't have
 - 2 *continuation*: לא יצא ביובל → if someone sells house in ע"ה and יובל falls during 1st year – it still doesn't revert
- III 27 **משנה** originally, buyer would hide at end of 12 months, so as to be able to avoid selling back
- a הלל enacted a rule that the seller can put his money in the לשכה and breaks down the door and retakes possession
- i *And*: whenever seller wants, he can come take his money
- ii **רבא** (*version 1*): based on הלל's enactment, if a woman forces money on a man to fulfill גט – not divorced
- 1 *argument*: since he had to be מתקן that a coerced gift is valid → usually it isn't valid
 - (a) *challenge* (*ר"פ/ר"א*): perhaps הלל only needed to enact for a case where intended recipient is absent
 - (i) *but*: if present, even if he doesn't want to accept it, it may be valid
- iii **רבא** (*version 2*): based on הלל's enactment, if a woman forces money on a man to fulfill הגט – divorced
- 1 *argument*: הלל only needed to enforce the enactment for a case where recipient is absent → if present, valid
 - (a) *challenge* (*ר"פ/ר' שימי בר אשי*): perhaps his presence doesn't matter – only מדעתו is valid
 - (i) *and*: הלל was just מתקן what was needed (שלא בפניו)
- IV **משנה** ה **בית עיר חומה** definition of
- a *Any house*: which is inside the walls is בית עיר חומה
- i *Fields*: aren't included
- 1 **ר"מ**: fields are included
- ii **ברייתא**: “בית” extends to olive press, bathhouse, towers, dove-cotes, trenches etc. via “אשר בעיר”;
- 1 **יהודה**: not fields (per “בית”)
 - 2 **ר"מ**: בית extends even to fields via “אשר בעיר”
 - (a) *challenge*: it states “בית”
 - (b) *answer*: ר"מ agrees that a “pure field” isn't included, but a quarry is included (via “בית”)
 - (c) *support*: ר"מ/ר"י disagree (in ברייתא) about sandy ground and quarry (ר"י – not בית; ר"מ – בית)
- b *A house*: built into walls of city
- i **יהודה**: not considered בית עיר חומה
- ii **ר"ש**: the outer wall of the house is the city wall (included)
- 1 *note*: both interpreted v. 4; ר"ש reads as פשט ר"י - she lives בחומה, but not in the city proper