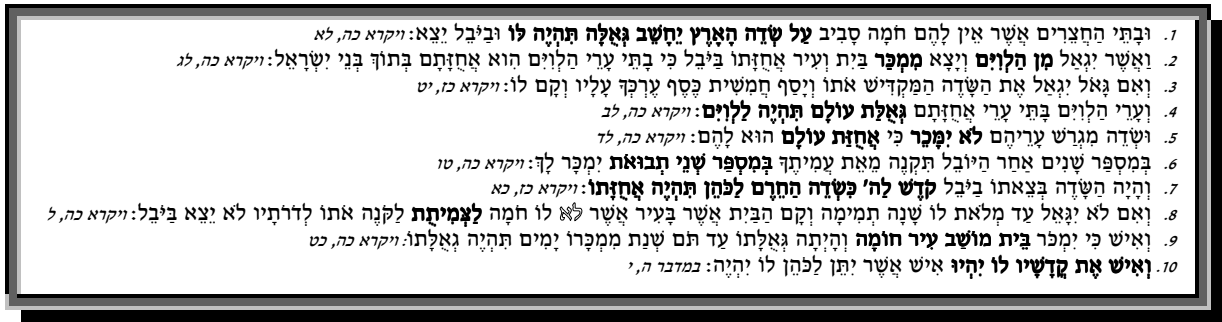


32.9.4

33a (r) → 34a (סיים המסכת)

Note: in the last section of *משנה* (לה) *במדבר* (לה) *תורה* commands (במדבר לה) that when we come to the Land, we donate cities to the לויים – this was accomplished as recorded in יהושע כא. The cities are to have 2000 אמות perimeter; they are to have 1000 אמות perimeter. This contradiction is resolved (סוטה ג:) by assigning one number to fields – for planting – and the other number to מגרש – open, unused areas, deemed aesthetically pleasing.



- I 10 status of בתי ערי חומה (v. 1); houses that don't fit criteria of חומה (above)
- a Advantages: of בע"ח (redeemed immediately and during 1st year) and of שדה אחוזה – revert at יובל and have כסף גרעון
- b 1 – v. 1 *ברייתא* → advantages of שדה אחוזה; גאולה תהיה לו → not disadvantages (no need to wait 2 years)
- i Continuation: וביובל יצא teaches that it reverts at יובל (which is odd, as that was stated in the 1st clause)
- ii Clarification (ר' הונא): covers a case where someone was מקדיש a בית חצר and another redeemed from הקדש and the 2nd year (since פדיון) fell during יובל; if we compare it to בע"ח – stays with buyer; to שדה אחוזה – to כהנים → וביובל יצא
- 1 Challenge (ר' זעירא): why add an outside redeemer; problem exists even if not redeemed
- 2 Answer (אביי): we don't want anyone to think that הקדש can be "lifted" without פדיון
- (a) Source: בן לוי – who has advantages over ישראל in his sale (v. 2), but that only includes houses and fields
- (i) But not: מטלטלים, slaves or טרות
- (ii) Question: if so, why does the תורה state ממכר?
- (b) Answer: his sales revert, but not הקדש (without פדיון)
- iii Note: this is at odds with ר' אושעיא: all possessions were included in v. 3 (פדיון) but when שדה אחוזה was singled out to go to כהנים at יובל → others remain in הקדש and are unaffected by יובל
- 1 Same question: why does the תורה add וביובל יצא?
- 2 Answer (פ'): case where someone sells בית חצר and 2nd year is יובל; if we compare to בע"ח – too late; if to שדה אחוזה – gets an extra year (השלמה) → states וביובל יצא
- iv ר' אושעיא supporting ר"ה and refuting *ברייתא*:
- 1 If someone is מקדיש a בית חצר, he can redeem immediately and forever (unaffected by יובל)
- 2 And if: another redeems from הקדש and it isn't redeemed before יובל – goes to original owner at יובל
- II 20 definition of בתי חצרים – if there are only 2 lots with 2 houses each (even if walled since days of יב"נ)
- a v. 1 adds להם חומה אשר, which is implied by חצרים → even if they have a wall, if too few, as if no wall
- i בתי החצרים: means 2x2 (2 בתיים each on 2 חצרים); doesn't mean חצר+בית; then it would have stated "חצרים" (w/o בית)
- 1 And: cannot counter that if so, it would have meant 2 חצרים without houses – that isn't a חצר, it is קרפף
- III 10 status of a לוי - or his heirs (e.g. grandson of לוי) when redeeming a house or field from הלויים
- a (properly read): he redeems per protocol outlined in these past few פרקים (יובל) continues to play a role
- i Exceptions: where יובל doesn't play a role
- 1 per vv. 4-5 ערי הלויים
- 2 לוי, per v. 2; רבי לוי, also must be לוי, per v. 2; חכמים dissent; may even be לוי heir of ישראל
- (a) *ברייתא*: לוי might have meant only if לוי is redeeming from ישראל, who has fewer rights
- (i) Therefore: we understand הלויים as only excluding וממזר

- IV משנה 2ח: limitations on use of לוי cities (see note)
- a מגרש, עיר, שדה may not be changed
- i Source: v. 5 – לא ימכר must mean “can’t be modified” – it can certainly be sold, else why allow גאולת עולם?
- b א”א: this only applies to ערי הלויים; ערי ישראל may change מגרש and either to עיר or ערי ישראל – not to destroy מגרש
- i But not: to tear down houses to make שדה or מגרש – not to destroy ערי ישראל
- c זבונם ולויים may sell and redeem at any point (not limited by יובל) – per v. 4
- i זבונם v. 4 responds to 3 limitations on non-לויים
- 1 מכירת שדה אחוזה v. 6 demands that ישראל must wait 2 years to buy back שדה אחוזה; v. 4 excludes לויים
 - 2 שדה אחוזה לכהנים v. 7 - שדה אחוזה that was not redeemed from הקדש goes to כהנים – v. 4 excludes לויים
 - 3 חליטה v. 8 acquits בע”ח to buyer after one year; v. 4 excludes לויים from חליטה
- (a) challenge: how do לויים have בע”ח? (we understand the first two exceptions)
- (i) זבונם are not made small farms nor big cities; rather, average sized towns (w/o walls)
 - (ii) answer (ר’ כהנא): they had cities that they settled and then walled in
 1. challenge: this isn’t defined as עיר חומה – must have wall first (v. 9)
 2. and: only if גויים built the wall (similar to times of יב”ג), per חומה::חומה
 - a. and: only if they had built it before the conquest (per חומה::חומה)
 - (iii) answer (תלמיד ר”פ): if the walls fell and they rebuilt them
 1. question: how can they be called עיר חומה – they are about to be felled
 2. answer: קמ”ל – חלוט that at that point, if they are sold, they may be חלוט – קמ”ל
- V כשדה החרם... – interpreting v. 7b
- a if: a חרם is מקדיש כהן, שדה החרם, he may not argue that since he’s already in possession and it is slated to go to כהנים, that he’ll keep it
- i which: he could argue from ק”ו: if he receives others’ חרם, certainly he should get his own
 - ii therefore: v. 7 equates שדה חרמו של כהן: שדה אחוזת ישראל: שדה חרמו של כהן
 - 1 just as: שדה אחוזת ישראל goes to כהנים at יובל (if not redeemed from הקדש by then)
 - 2 so too: his own שדה חרם gets redivided by all כהנים
 - iii observation: the ק”ו that we contend the verse is counteracting is itself faulty
 - 1 whereas: in the case of שדה אחוזה, it is granted to him
 - 2 here: he is seizing it
 - 3 answer (רב”ח): since v. 10 indicates that a person keeps his own קדשים, we would think to apply it here
 - (a) challenge: קדשים are not in his possession (again, granted to him), this field is in his possession
 - 4 rather (ר”ג): since v. 5 defines their real estate as permanently theirs, we might consider שדה חרמו as an עולם שדה חרמו – therefore we learn that it only applies to אחוזתו, not to חרמו

הדרן עלך מסכת ערכין

יהי רצון מלפניך יא”א שייבנה בית המקדש במהרה בימינו
ותן חלקנו בתורתך