

32.7.3

26b → (סיום הפרק) 27a → (איבעיא להו בעלים ביובל שני)

1. ואם לא יגאל את השדה ואם מכר את השדה לאיש אחר לא יגאל עוד: ויקרא כו, כ
 2. בשנת היובל ישוב השדה לאשר קנהו מאתו לאשר לו אחזת הארץ: ויקרא כו, כד
 3. ואם את שדה מקנתו אשר לא משדה אֶחָזְתוּ יקדיש לה: ויקרא כו, כב

- I (continuing analysis of ר"א's approach to שדה אחוזה after יובל) question posed: are original owners considered "outsiders" if they come to redeem it during "יובל 2nd"? (after יובל lapsed)
- a Answer: v. 1 – לא יגאל עוד, interpreted that it may not come back as שדה אחוזה, but is שדה מקנה
- i This must be: according to ר"א (to ר"י ור"ש, before יובל it does return; afterwards is moot) → he is like any outsider
- ii Rejection: ר"י ור"ש must also interpret "עוד"
- 1 Rather: this refers to a field that went to כהנים, who were מקדיש and then original owners redeem
 (a) Contra: idea that they cannot redeem at all → "עוד" – doesn't return as שדה אחוזה, but can be שדה מקנה
 2 Support: ברייתא on v. 2 – field that goes to כהנים at יובל and then sold by כהן and new owner is מקדיש and an outsider redeems
 (a) At יובל: reverts to second owner, not original owner
 (b) Justification: if it only stated לא יגאל – we would think that it cannot be redeemed at all
 (i) And: if only stated לאשר קנהו – לאשר סד"א it doesn't return when original owners don't pay; but here, where they are willing to redeem it back – might return as שדה אחוזה –
 (ii) And: we also need "עוד"; without it, we would think that it can't be redeemed at all
 (iii) Therefore: "עוד" – cannot return to שדה אחוזה status, but is bought back by original owners as שדה מקנה
- b Resolution: ברייתא – ר"א rules that if the owners redeemed during "יובל שני" (i.e. after יובל), it goes to כהנים at next יובל
- i challenge (רבינא לר"א): in our משנה ר"א ruled that כהנים don't take possession until an outsider redeems it
- ii answer: the owners are like any outsider after יובל (→ יובל can take possession at next כהנים)
- c alternate version: ר"א ruled that if owner redeemed during יובל שני, doesn't go to כהנים at next יובל
- i support (רבינא לר"א): follows our משנה
- ii rejection: from our משנה, we may have thought that owners are like outsider – קמ"ל that they are still בעלים
- II ה dispute: משנה ה
- a If: he bought father's field, father died and he was then מקדיש – considered שדה אחוזה
- i And: if he doesn't redeem by יובל – lost to כהנים
- b But if: he bought the field, was מקדיש and then father died
- i ר"מ: considered שדה מקנה (returns to father's estate at יובל – then to him)
- ii ר"י-ר"ש: considered שדה מקנה, per v. 3 – this field is "fit to be" שדה אחוזתו
- c שדה מקנה: reverts at יובל, as no one may be מקדיש something which isn't theirs (may be מקדיש for "term of lease"- til יובל)
- d יובל: may be מקדיש and גואל at any time – before or after יובל
- i Question: we understand גואל – that they may even redeem after יובל, unlike ישראל
- 1 However: מקדיש is odd – anyone can be מקדיש
 (a) Proposal: perhaps it is meant to include the ability to be מקדיש during the יובל year
 (b) Block: that would only work for שמואל, who disallows this for ישראל; but for רב – anyone may
- 2 Answer: parallel construction – in משנה א' יובל, לפני/לאחר יובל, is invoked, as well as מקדיש/גואל
- III Analysis of dispute
- a ברייתא: both opinions invoked, both relying on v. 3
- i ר"י ור"ש: excluded is a field which had potential to be שדה אחוזתו
- ii ר"מ: excluded is a field which was שדה אחוזה (i.e. father died and he "inherited" before being מקדיש)
- b Proposal: they disagree if קנין הגוף: קנין פירות
- i שדה מקנה → ק"פ כקה"ג ד"מ → the son is an owner when he buys → שדה מקנה
- ii ק"פ לכקה"ג ד"י ור"ש → son is not an owner, when father dies, becomes an heir → שדה אחוזה
- c Rejection (רנב"י): generally, all agree that קנין פירות are considered a full קנין הגוף
- i However: they interpreted v. 3; could've said אשר לא אחוזתו or אשר לא שדה מקנתו
- 1 But: it states שדה אחוזתו → only if it could never have been שדה אחוזתו....