

IX.

BABYLONIAN TALMUD

ARAKHIN

CHAPTER NINE

FOLIOS 29B-34A

This chapter carries forward the discussion of the redemption in the Jubilee year of property purchased before that time, turning, specifically, to Leviticus Chapter Twenty-five. The first pertinent rule is Lev. 25:13-17:

In this year of jubilee each of you shall return to his property. And if you sell to your neighbor or buy from your neighbor, you shall not wrong one another. According to the number of years after the jubilee you shall buy from your neighbor, and according to the number of years for crops he shall sell to you. If the years are many you shall increase the price, and if the years are few you shall diminish the price, for it is the number of the crops that he is selling to you.

The relevant verses on the sale and redemption of property are as follows (Lev. 25:25-28):

If your brother becomes poor and sells part of his property, then his next of kin shall come and redeem what his brother has sold.

If a man has no one to redeem it and then becomes prosperous and finds sufficient means to redeem it, let him reckon the years since he sold it and pay back the overpayment to the man to whom he sold it, and he shall return to his property.

But if he has not sufficient means to get it back for himself, then what he sold shall remain in the hand of him who bought it until the year of jubilee; in the jubilee it shall be released, and he shall return to his property.

The general theme of the tractate — valuations of property for the purposes of redemption — accounts for the inclusion of this matter. The main point is that we impose a price for redemption of a field relative to the number of years the purchaser has enjoyed the usufruct of said field. A resale of the same property has also to come under consideration.

9:1

- A. [29B] He who sells his field [of possession, that is, one received by inheritance] at the time of the Jubilee[’s being in effect] is not permitted to redeem it in less than two years [M. 7:1A],

- B. since it is said, “According to the number of years [plural, hence at least 2 years] of the crops he shall sell to you” (Lev. 25:15).
- C. [If] it was a year of blight or mildew or a Seventh Year, it does not count in the reckoning [of the crop-years].
- D. [If] he only broke the ground or left it fallow, it does count in the reckoning [of the crop-years].
- E. R. Eliezer says, “[If] he sold it to him before the New Year and it was full of produce, lo, this one enjoys the usufruct from it of three crops in a period of two years.”

I.1 A. He who sells his field at the time of the Jubilee’s being in effect, etc. [M. 9:1A]:

- B. “He does not redeem,” *is not how the passage is formulated, but rather, He is not permitted to redeem* [M. 9:1A].
- C. *Therefore the author of the passage maintains the theory that is in fact prohibited [to redeem the field prior to two years’ after its sale].*
- D. *Even talking about money [to the purchaser] also is forbidden [since the purchaser may be persuaded to restore the field to the original seller in less than two years].*
- E. *And it goes without saying that the seller of the field is subject to an affirmative commandment [to sell the field for at least two years], since it is said [in Scripture], “According to the years [plural, as above M. 9:1B] of the crops he shall sell to you” (Lev. 25:15),*
- F. *but even the purchaser also is subject to an affirmative commandment, for we require [that he carry out the instruction, “According to the number of years you shall buy,” (Lev. 25:15), and [were he to buy it for less than the stated period, then] [fulfillment of that rule would] not [be achieved].*

I.2. A. It has been stated [by Amoraic authority]: He who sells a field in the Jubilee year itself —

- B. Rab said, “It is indeed sold, but it goes forth [at that year].”
- C. And Samuel said, “It is not sold in any aspect at all.”
- D. *What is the reasoning behind Samuel’s position?*
- E. It is a matter of an argument a fortiori: Now if a field that had earlier been sold [before the Jubilee] goes forth [and reverts to the original owner], a field that had not been sold [prior to the Jubilee] should surely not be subject to sale [in the Jubilee at all].
- F. *And in Rab’s view, do we not invoke an argument a fortiori in the present case?*
- G. *And has it not been taught in a Tannaite teaching [in a parallel case]: Is it possible to suppose that a man may sell off his daughter when she is in the status of a pubescent girl [twelve years and a day old through twelve years six months and one day]?*
- H. *You may state the following argument a fortiori [to prove that he may not do so]: Now if a girl who had already been sold goes forth [from the prior relationship] at the time under discussion, one who had never been sold surely may not be sold*

at all. [That argument thus runs parallel to Samuel's in the present instance. Hence Samuel is on firm ground.]

- I. [The Talmud objects: The two cases are not parallel, for] in that case the girl may not once again be sold, whereas in this case the field may once more be sold.
 - J. An objection [to Rab's position] was raised from the following exegesis: "Years after the Jubilee you shall buy" (Lev. 25:15) teaches that fields may be sold near the Jubilee year. How do we know from Scripture that for a considerable span of time from the Jubilee [not merely a year or so later] fields also may be sold? Scripture states, "According to the multitude of the years... and according to the fewness of the years" (Lev. 25:16). But [it follows that] in the Jubilee year itself one may not sell a field. If one should do so, the field is not regarded as having been sold at all. [This is fully Samuel's position.]
 - K. [The foregoing exegesis directly contradicts Rab's position.] Rab may reply to you, "To be sure, the field is not sold 'according to the number of the years of the crops,' but it is indeed sold and forthwith goes forth [from the domain of the purchaser]."
 - L. But if the field in fact has been sold, then let it remain in the domain of the purchaser until after the Jubilee year has passed, and, after the Jubilee year, let the purchaser enjoy the usufruct for two crops, then returning the field to the original seller.
 - M. [In evidence of that proposal, we add:] Has it not been taught on Tannaite authority: If one has enjoyed the usufruct of the field for one year before the Jubilee, they complete [the requisite two years of usufruct] for the purchaser by adding on another year after the Jubilee [which proves that the advent of the Jubilee year does not interfere with the right of the purchaser to use the field for two years].
 - N. [We now distinguish the cited case from the one at hand and so restore the viability of the question addressed to Rab.] In that case the purchaser has already enjoyed the usufruct of the field somewhat, while in the present case he has not enjoyed the usufruct of the field at all. [So the cited rule does not apply.]
- I.3.** A. Said R. Anan, "I heard two things from Mar Samuel, one the item just now reviewed, and the other as follows: 'He who sells his slave to an idolator or to someone who lives outside of the Land — the slave has gone forth to freedom.'
- B. "In one instance [my tradition rules that] the purchase-money is paid back, and in the other it is not paid back.
 - C. "But I do not know which is which."
 - D. Said R. Joseph, "Let us look into the matter. Since it is taught in a Tannaite teaching external to the Mishnah: 'He who sells his slave to someone who lives outside of the Land — the slave has gone forth to freedom, and requires a writ of emancipation from the second master,' it follows that, since the purchaser is called 'the second master,' the purchase money is not restored, [since if the original owner paid back the money, he would be regarded as master of the slave].

- E. *"It further follows that in the present case, Samuel maintains the view that the field is not sold, and the money is returned [to the purchaser who thought to buy the field in the Jubilee year]."*
- F. **[30A]** And R. Anan? [Why did he not know this on his own?]
- G. *He had not heard the Tannaite teaching external to the Mishnah.*
- H. *And as to the view of Samuel, how do we know that the field is not sold and the money is returned? Perhaps in his view while the field is not sold, the money is regarded as a gift [to the seller]?*
- I. *That outcome would follow the lines of the case of one who betroths his sister, for it has been stated:*
- J. He who betroths his sister —
- K. Rab said, "The money is returned [since the brother has not got the legal right to betroth his sister]."
- L. Samuel said, "The money is considered a gift." [In the present case, too, regard the money as a gift.] [The matter is not worked out.]
- M. *Said Abbaye to R. Joseph, "Why do we impose a fine on the purchaser, [by taking away his money, for violating the law against removing a slave from the Land of Israel]? Should we not impose a fine on the seller [for selling the slave to someone who would take him away when he should not do so]?"*
- N. *He said to him, "The mouse didn't do the stealing, the hole [into which a bit of grain fell] did the stealing. [The mouse takes the grain from the hole. It is the hole that received, "stole," the grain from the stalk, not the mouse.]"*
- O. *But if there were no mouse, how could the hole have done any stealing?*
- P. *It is more reasonable to rule that we impose the penalty on the one who has possession of what is forbidden [that is, the purchaser of the slave].*

II.1 A. If it was a year of blight, etc. [M. 9:1C]:

- B. *Since [at M. 9:1D, we refer explicitly to] breaking the ground [without actually sowing it], does the framer have also to ask about leaving the ground completely fallow? [Surely the rule would be the same in this more extreme case.]*
- C. *No, it was entirely necessary to make explicit reference to both items.*
- D. *[Why?] It might have entered your mind that I should rule, that we might say to the seller in the latter instance, "Give me back my money and I'll get out."*
- E. *Accordingly, we are told that that is not the case [and the purchaser is penalized].*

III.1 A. R. Eliezer says, "If he sold it to him, etc. [M. 9:1E]:

- B. *It has been taught on Tannaite authority:*
- C. R. Eliezer says, "How do we know that, if one sold the field to the purchaser prior to the New Year, with the field full of produce, the seller may not say to the purchaser, 'Leave it to me as I left it to you'?"
- D. "Scripture says, 'According to the number of years of the crops he shall sell to you' (Lev. 25:15).
- E. "There are times that a person will enjoy three crops in two years."

The rule is that a field of possession is subject to redemption by the original owner before, or at the time of, the Jubilee. The conception is that what is sold in a real estate transaction is the usufruct, not the field itself. The price of the field therefore is divided by the number of years during which the purchaser enjoys the use of the field. Lev. 25:25-28 state that the seller or one of his relatives may repurchase (“redeem”) the field at any time up to the Jubilee, refunding the value of the usufruct of the field between the point of repurchase and the Jubilee which the purchaser has not enjoyed, which is, the excess or overplus. If, for example, one sells the field ten years before the Jubilee for two hundred denars, and six years later the seller wishes to repurchase the field, he pays the sum covering four years, eighty denars, and recovers his land. With this in mind, the rule before us poses no problems. M. 9:1A is familiar from M. 7:1A. The repossession cannot take place before two crops have been sown and harvested. C-D then provide the typical clarifications. Eleazar’s point is that the two-crop years of A-B may encompass three crops; nonetheless, if the seller wishes to redeem the field, he deducts only two crop-years. The Talmud both clarifies the word-choices of the Mishnah and their implications and also proceeds to amplify deeper issues at hand. Unit I explains the meaning of the Mishnah’s word-selection. Unit I.2 raises a secondary issue about what happens in the interstitial case omitted by the Mishnah. Unit I.3 is tacked on for obvious reasons; it had joined unit II before the insertion of the whole in the present location, for there is no point of intersection between unit III and the Mishnah-passage at hand. Unit II and unit III gloss the Mishnah in familiar ways. The order of the whole then follows the order of the Mishnah’s sentences, with amplificatory materials on earlier passages prior to glosses of later ones.

9:2

- A. [If] one sold it to the first party for a maneh [a hundred zuz], and the first party sold it to the second for two hundred,
- B. one [who repurchases the field] reckons only with the first [buyer],
- C. since it is said, “[Let him restore the surplus] to the man to whom he sold it” (Lev. 25:27).
- D. [If] one sold it to the first for two hundred, and the first sold it to the second for a maneh,
- E. one reckons only with the second,
- F. since it is said, “Let him restore the surplus to the man” — to the man who is now in full possession of it.
- G. (1) One should not sell [a field] at a distance and redeem [with the proceeds] one which is near by,
- H. or a poor one and redeem [with the proceeds] a good one.
- I. (2) One should not borrow and redeem [a field].
- J. (3) One should not redeem [a field] in halves.
- J. But in the case of that which has been sanctified, one is permitted in all of these respects.
- K. This rule is more strict in the case of common property than in that of what has been sanctified.

I.1 A. *Our rabbis have taught on Tannaite authority:*

- B. **“If one sold [the field] to the first party for a maneh, and the first party sold it to the second for two hundred [zuz], how do we know that the original owner deals only with the first party [in line with M. 9:2A-B]?”**
- C. **“Since it is said, ‘[Let him restore the surplus] to the man to whom he sold it’ (Lev. 25:27).**
- D. **“If one sold it to the first for two hundred and the first sold it to the second for a maneh, one reckons only with the second?”**
- E. **“Since it is said, ‘Let him restore the surplus to the man’ — to the man who is now in full possession of it,”** the words of Rabbi.
- F. R. Dosetai b. Judah says, “If one sold it to the purchaser for a maneh and the purchaser improved its value and the field is now worth two hundred zuz, how do we know that the original seller reckons with him only for a maneh? As it is said, ‘Let him restore the surplus’ (Lev. 25:27) — the surplus which is left in his possession.
- G. “If the seller sold the purchaser the field for two hundred zuz and the field diminished in value and now is worth a maneh, how do we know that the original seller reckons with him only for a maneh?”
- H. “As it is said, ‘Let him restore the surplus’ (Lev. 25:27) — the surplus that is in the real estate itself.”
- I. *What is at issue between [Dosetai and Rabbi]? [At issue is] a case in which the field increased in value [in successive transactions, e.g., it was sold for two hundred, resold for a hundred — a maneh — and then resold for two hundred. Rabbi reckons on the basis of the price owed by the second buyer, the one hundred, since he is now in possession of the field, and Dosetai reckons on the basis of two hundred (Jung)].*
- J. *And how [do we know that the reckoning is meant to produce] a lenient ruling [for the original owner of the field]?*
- K. *Perhaps it is meant to produce a strict ruling.*
- L. *Don’t let the thought enter your mind. For we derive the law at hand from the use of the word “redemption” in connection with the case of a Hebrew slave [who is treated in a lenient way when he comes to reckon with his owner to see emancipation].*
- M. *And whence, in that case, do we derive the rule? Since it is taught on Tannaite authority:*
- N. If a person was sold as a slave for a maneh and increased in value so that he was then worth two hundred zuz, how do we know that they reckon with his value only at the rate of a maneh?
- O. As it is said, “He shall give back the price of his redemption out of the money that he was bought for” (Lev. 25:51).
- P. If he was sold for two hundred zuz and lost value and was priced at a maneh, how do we know that we reckon his worth only at a maneh?
- Q. As it is said, “According to his years shall he give back the price of his redemption” (Lev. 25:52).

- R. Now I know thus far that that is the rule for a Hebrew slave who is sold to an idolator, and who is redeemed [by his family], for his hand is on the top. How do I know that the same rule applies to an Israelite [who owns a Hebrew slave who is up for redemption]?
- S. Scripture states, “A hired servant” in two different contexts [Lev. 25:40, a slave sold to an Israelite, and Lev. 25:50, a slave sold to an idolator], serving therefore to establish an analogy between them [and to invoke for the one the rules that govern the case of the other. The lenient ruling for the slave governs the redemption of the field.]
- I.2.** A. Said Abbaye, “[30B] Lo, I am equivalent to Ben Azzai in the marketplaces of Tiberias [who challenged all comers to ask him hard questions].” [Abbaye now is challenged, B, G-V, and replies at C-F, then W + Y-BB.]
- B. *One of the rabbis [taking up the challenge] said to Abbaye, “There is the possibility of interpreting [the verses referring to the redemption of the Hebrew slave] in a lenient way [favoring the redemption and making it easy] and in a strict way. Why do you choose to do so in a lenient way? I might propose that they should be interpreted in a strict way.”*
- C. *Let not the thought enter your mind, for the All-Merciful was lenient to [the Hebrew slave].*
- D. *For it has been taught on Tannaite authority:*
- E. “Because he fares well with you” (Deu. 15:16). He must be with you [and at your status] in food and in drink, so that you may not eat a piece of fine bread while he eats a piece of coarse bread, you may not drink vintage wine while he drinks new wine, you may not sleep on a soft bed while he sleeps on the ground.
- F. On this basis it is said that he who buys a Hebrew slave is like one who buys a master for himself.
- G. *Quite to the contrary, let us impose a strict ruling on him, along the lines of what R. Yosé b. R. Hanina said.*
- H. For R. Yosé bar Hanina said, **“Come and see how harsh is the dust kicked up in connection with the laws of the Seventh Year. [Even if one violates only derivative rules, the result is severe.] If a person trades in produce grown in the Seventh Year, in the end he will have to sell his movables, as it is said, ‘In this year of Jubilee you shall return, every man to his possession’ (Lev. 25:13), and it is said, ‘If you sell anything to your neighbor or buy anything from your neighbor’s hand’ (Lev. 25:14). [The two verses are juxtaposed to indicate that if a person does the one, he will be punished by the other, so for selling or buying produce of the seventh year, he will have to sell his property, in this case], movables, something acquired from hand to hand.**
- I. **“If the person does not perceive [what he has done], in the end he will have to sell his fields, as it is said, ‘If your brother becomes poor and has to sell some of his possessions’ (Lev. 25:25).**
- J. **“It is not brought home to him [Jung], so in the end he will have to sell his house, as it is said, ‘And if a man sells a dwelling house in a walled city’ (Lev. 25:29) [T. Ar. 5:9].**

- K. *[Note the insertion at K-O]: (What is the difference between the two cases, in that, in the former instance, it says, "If the person does not perceive," and in the latter, "It is not brought home to him"?)*
- L. *The answer accords with what R. Huna said.*
- M. For R. Huna said, "Once a person has committed a transgression and done it again, it is permitted to him."
- N. "It is permitted to him" *do you say?*
- O. *Rather, I should say, It is transformed for him so that it appears to be permitted.)*
- P. [Continuing J:] "It is not brought home to him so in the end he will sell his daughter, as it is said, 'And if a man sells his daughter to be a maidservant' (Exo. 21: 7).
- Q. "And even though the matter of one's selling his daughter is not mentioned in the present context, it would be better for a person to sell his daughter and not to borrow on usurious rates, for in the case of his daughter, what is owing gradually diminishes [as she works off the debt], while in the present instance, the debt grows and grows.
- R. "Then it is not brought home to him, so in the end he will sell himself into slavery, as it is said, 'And if your brother becomes poor with you and sells himself to you' (Lev. 25:39).
- S. "And not to you, but to a proselyte, as it is said, 'To the proselyte' (Lev. 25:47).
- T. "And not to a sincere proselyte but to a resident alien, as it is said, 'To a resident alien' (Lev. 25:47).
- U. "'A proselyte's family' refers to an idolator.
- V. "When Scripture further states, 'Or to the stock,' it refers to one who sells himself to become a servant of the idol itself."
- W. *He [Abbayye, A] replied, "But Scripture restores him [to his status]."*
- X. *And the school house of R. Ishmael repeated, "Since this one has gone and sold himself to an idol, [one might have thought], 'Let us throw a stone after the fallen.' Scripture therefore has said, 'After he is sold, he shall be redeemed, one of his brothers shall redeem him' (Lev. 25:48)."*
- Y. *Might I maintain that "He shall be redeemed" means that, while he is not to be permitted to be absorbed among the idolators, as to the matter of redeeming him, we should impose a strict ruling?*
- Z. Said R. Nahman bar Isaac [as at M-P], "It is written, 'If there be yet increases in the years' (Lev. 25:51) and 'If there remain but little in the years' (Lev. 25:51). Now are there years that are prolonged and years that are shortened? [Surely not.] Rather, if his value should be increased, then 'out of the money that he was bought for' he shall be redeemed, and if his value diminishes, then 'in accord with the remaining years.'
- AA. *"And might I propose a different reading, namely, where he has worked two years and four remain, let him pay the four years at the rate of 'the money that he was bought for,' and if he had worked for four years, with two remaining, then let him repay two years 'according to his year'?"* [The verses then are read literally, not in regard to a rise or fall in value as in unit I and at II M-P.]

BB. *“If that were the case, then Scripture should have stated, ‘If there be yet many years.’ Why does it say, ‘in years’? It means, as stated above, if his value should be increased, [then his redemption shall be paid] ‘out of the money that he was bought for,’ and if his value decreased, then the basis of the fee for redemption will be] ‘according to his remaining years.’”*

CC. *Said R. Joseph, “R. Nahman has interpreted these verses as if from Sinai.”*

II.1 A. One should not sell a field at a distance, etc. [M. 9:2G]:

B. *Whence [in Scripture do we find support] for this view?*

C. *It accords with that which our rabbis have taught on Tannaite authority:*

D. *“And his hand shall reach” (Lev. 25:26): “If a man has no one to redeem it, and then his hand shall reach [‘and then himself becomes prosperous’] and finds sufficient means to redeem it...”],*

E. *[reference thus is to what lies], in his own hand, indicating that he should not borrow money to redeem [his field].*

F. *“and he find sufficient means” — excluding what he already has in hand.*

G. *[That stands behind the rule that] **one should not sell a field at a distance and redeem with the proceeds one which is nearby, or a poor one and redeem with the proceeds a good one [M. 9:2G-H].***

H. *“Sufficient means to redeem it” (Lev. 25:26) — sufficient for redemption must be that with which he effects redemption, and he does not redeem a field in halves [M. 9:2J].*

I. *That contains the implication that the man has just now found [the means to redeem his field].*

J. *And the following objection was raised: “And it [a stone] finds...” [the one whom it hits accidentally, in which case we have manslaughter and not murder]” (Deu. 19: 5) — excludes the case of the one who makes it possible for himself to be found [by getting in the way].*

K. *On this basis did R. Eliezer say, “If once the stone left the hand [of the one who threw it], the victim stuck out his head and so took the stone [by his own deed, the one who threw the stone] is exempt.”*

L. *Therefore the word “he found” refers to something that had been present to begin with, against the allegation of I].*

M. *Said Raba, “Here we interpret matters in accord with the scriptural context and there likewise we interpret matters in accord with the scriptural context.*

N. *“Here the [use of the word ‘find’ is consonant with the consideration of] the man’s hand’s reaching [Lev. 25:26]. Just as what the man’s hand finds is what is just now in place [but not formerly so], so the use of the word ‘finds’ likewise refers to something then just now come into place.*

O. *“But in the matter of the accidental killing, the appropriate comparison is to the presence of the forest. Just as the forest is something that was present to begin with [and did not just then come into place], so the word ‘found’ refers to a matter which had been present to begin with [and not brought into the line of fire after the stone had been thrown].”*

III.1 A. But in the case of that which has been sanctified [M. 9:2K]:

- B. *Whence [in Scripture do we find support for] this opinion?*
- C. *It is in accord with that which our rabbis have taught on Tannaite authority:*
- D. *And if, redeeming, he who sanctified the field will redeem it" (Lev. 27:19).*
- E. *[By using the verb redeem two times, the Author] teaches that one should borrow in order to redeem [a field he has consecrated],*
- F. *and even effect a redemption of the field in halves.*
- G. *Said R. Simeon, "What is the reason [for the contrast drawn at M. 9:2K-L? That is, if one sells a field of possession, he must abide, in redeeming it, by the conditions set a M. 9:2G-J, while if he consecrates such a field, he is free of those restrictions].*
- H. *"The reason is that we find in the case of one who sells a field of possession that he enjoys certain advantages. That is, if the Jubilee year comes and the field has not been redeemed, it automatically reverts to the owner at the Jubilee year. On the other hand, for that very reason, he suffers the disadvantages that he may not borrow to redeem the field and he may not redeem the field in halves.*
- I. *"But [the opposite considerations apply to] one who sanctifies a field of possession. For, on the one side, he suffers a disadvantage in that, if the Jubilee year comes and the field has not been redeemed, it automatically goes forth to the ownership of the priests. So, by contrast, he is given an advantage, in that he may borrow in order to redeem the field and he may redeem it in halves."*
- J. **[31A]** *One available Tannaite teaching maintains that one borrows in order to redeem and redeems the field in parts, and another Tannaite teaching [that at M. 9:2] holds that one may not borrow in order to redeem the field and one may not redeem the field in parts.*
- K. *There is no real contradiction, since one represents the view of rabbis and the other of R. Simeon [in accord with whom the Mishnah-passage at hand is formulated].*

M. 9:2A-C and D-F contradict one another. The purpose is consistent, which is to favor the original owner of the field, whose poverty has forced him to dispose of the land, and to facilitate his repossessing what was originally his. Accordingly, if the first party paid a hundred zuz and resold it for two hundred, the one who redeems the land reckons the overplus from a hundred; and if the first purchaser paid two hundred and then resold it at a loss, for a hundred, only the second purchaser is taken into account. G-H repeat one another; I is distinct, so too J. In the case of one who sanctifies an inherited property, it is permitted to do what G-J prohibit, and L makes the obvious observation. Unit I predictably supplies a scriptural basis for the rule at hand, as though the Mishnah's framers had not included it. But the importance is to present the dispute on the foundations of the law conducted by Rabbi and Dosetai. The upshot is very amply to spell out the exegetical foundations of the law in all possible aspects. Unit I.2 presents a rather complex literary picture, but its main point is clear. Here too we debate whether to impose a strict or a lenient ruling in redeeming what has been alienated, whether a slave or property. The insertions and glosses are clear as indicated. Unit II then takes up the later clauses of the same passage of the Mishnah and undertakes an equivalent exercise. Unit III does the same for the contrast drawn at M. 9:2K. So

the principal point of interest of the compositor of the Talmud is to link the rule of the Mishnah to Scripture.

We turn to a quite separate matter, sale of a dwelling house in a walled city. The relevant passages on the sale of a dwelling house in a walled city are as follows (Lev. 25:29-34):

If a man sells a dwelling house in a walled city, he may redeem it within a whole year after its sale; for a full year he shall have the right of redemption. If it is not redeemed within a full year, then the house that is in the walled city shall be made sure in perpetuity to him who bought it, throughout his generations; it shall not be released in the jubilee.

But the houses of the villages which have no wall around them shall be reckoned with the fields of the country; they may be redeemed, and they shall be released in the jubilee. Nevertheless the cities of the Levites, the houses in the cities of their possession, the Levites may redeem at any time. And if one of the Levites does not exercise his right of redemption, then the house that was sold in a city of their possession shall be released in the jubilee; for the houses in the cities of the Levites are their possession among the people of Israel. But the fields of common land belonging to their cities may not be sold; for that is their perpetual possession.

9:3-9:4A-C

- A. He who sells a house among the houses in walled cities, lo, this one may redeem [the house] forthwith.
- B. And he redeems it at any time within twelve months.
- C. Lo, this is a kind of usury which is not usury.
- D. [If] the seller died, his son may redeem [it].
- E. [If] the purchaser died, he may redeem it from the domain of his son.
- F. He reckons the year only from the time that he sold it to him,
- G. since it is said, “Within the space of a full year” (Lev. 25:30).
- H. And when it says, “Full,” it means to encompass the month added in an intercalated year.
- I. Rabbi says, “One allows him a year and its intercalated days.”

M. 9:3

- A. [If] the [last] day of the twelve months has come and it has not been redeemed, it becomes his permanently.
- B. All the same are the one who purchases and the one to whom it is given as a gift,
- C. since it says, “In perpetuity” (Lev. 25:30).

M. 9:4A-C

- I.1 A. [He who sells a house among the houses in walled cities, lo, this one may redeem [the house] forthwith:] *[When we learn that the redemption may take place forthwith,] the Mishnah at hand is not in accord with the view of Rabbi, for we have learned on Tannaite authority:*
- B. Rabbi says, “‘...days...,’ (Lev. 25:29) [indicates that the house may not be redeemed right away, but only after two days, for] the word ‘days’ can refer to no fewer than two days.”
- C. *And how do rabbis [behind M. 9:3A] interpret the word “days”?*
- D. *They require the word [to make the point that the reckoning of the year is] from day to day [that is, from the date of sale to the equivalent date in the next year].*

- E. *And whence does Rabbi derive the same rule?*
- F. *He derives it from the following: "Within a whole year after it is sold" (Lev. 25:29).*
- G. *And rabbis? They require the cited phrase to indicate that it is a year from the man's own sale of the house, and not a year in accord with the calendar, and they require the word "days" to indicate that it is to encompass twenty-four hours to the hour [of the original sale. If the house was sold on the 10th of Adar at 5 p.m., it may be repurchased up to that same hour of the same day a year later (Jung)].*
- H. *For if [Scripture had stated merely], "Within the whole year of the sale," I might have reached the conclusion that the repurchase may take place on the same day a year later but not necessarily up to the same hour of the same day. Accordingly, Scripture added the language, "days."*
- I. *And whence does Rabbi derive the rule that the repurchase is reckoned to the very hour of the original sale?*
- J. *He derives that law from the use of the word "whole."*
- K. *And rabbis require that usage to prove that if there is an intercalated month, [it is included within the year subject to reckoning].*
- L. *And Rabbi also requires the word for the same purpose?*
- M. *Indeed he does, but that the year must be complete not only from day to day but also from hour to hour he derives from the usage "Within a whole year after it is sold" (Lev. 25:29).*

II.1 A. Lo, this is a kind of usury which is not usury [M. 9:3C]:

- B. [Since the purchaser gets the full price back, with no deduction for his use of the house in the intervening year, this appears to be free use of the house in exchange for what was in effect the loan of funds repaid with the repurchase of the house by the original seller]. *And has it not been taught on Tannaite authority: Lo, this is entirely in the category of usury, but the Torah has permitted it.*
- C. *Said R. Yohanan, "There is no conflict [between M. 9:3C which says this is not really usury and the cited Tannaite teaching which says that it is]. On the one side we have the view of R. Judah, on the other, rabbis."*
- D. *For it has been taught on Tannaite authority:*
- E. If someone had a claim of a maneh against his fellow, and the latter declared his field as sold to him [if he did not repay what he owed], as long as the [putative] seller enjoys the usufruct [of the field], such an arrangement is permitted [since it constitutes merely surety for the debt]. But if the [putative] purchaser of the field enjoys the usufruct, it is forbidden [as a payment of interest for the use of the money, with the interest taking the form of the usufruct of the field given as security for the loan or debt].
- F. R. Judah says, "Even when the purchaser enjoys the usufruct [of the field], it is a permitted arrangement."
- G. Said R. Judah, "There was the precedent of Boethus b. Zonen, who treated his field as sold [to his creditor], in accord with the instructions of R. Eleazar b. Azariah, and the purchaser enjoyed the usufruct of the field."

- H. They responded, “Do you derive proof from that precedent? In that case it was the seller who enjoyed the usufruct of the field and not the purchaser. [So the precedent secures our case, not yours].”
- I. *What is at issue between them? The status of one-sided usury is at issue. [We do not know for sure that the field will be redeemed; if not, there is no usury.]*
- J. *The former authority takes the view that one-sided usury is prohibited, while R. Judah maintains the view that one-sided usury is permitted.*
- K. **[31B]** *Raba said, “All parties concur that one-sided usury is forbidden. But we deal with an issue of usury [that is paid] on condition that it be paid back. [The seller will be paid back for the usufruct of the field if the purchaser gets his money back within three years.] One party takes the view that [collecting usury on condition that it be repaid] is forbidden, the other, that it is permitted.”*

III.1 A. If his seller died, his son may redeem it [M. 9:3D]:

- B. *That is self-evident.*
- C. *[Nonetheless, it had to be made explicit, for] what might you have said?*
- D. *Since Scripture has stated, “And if a man sell a dwelling house” (Lev. 25:29), this one [namely, the son] is not the one who did the selling.*
- E. *Accordingly, we are informed [by the formulation], “Then he may redeem it” (Lev. 25:29) [that the rule applies] under all circumstances.*

IV.1. A. If the purchaser died, he may redeem it from the domain of his son [M. 9:3E]:

- B. *That is self-evident.*
- C. *[Nonetheless, it had to be made explicit, for] what might you have said?*
- D. *Since Scripture has stated, “To him who bought it” (Lev. 25:30), lo, this is not the one who purchased the house [since his deceased father did so].*
- E. *Accordingly, we are informed [by the formulation], “Then he may redeem it” (Lev. 25:29), [that the rule applies] under all circumstances.*

V.1 A. He reckons the year only from the time that he sold it to him [M. 9:3F]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. *[With reference to, “Within the space of a full year” (Lev. 25:30),] I do not know whether this refers to a year from the first purchase or a year from the second. When, then, Scripture says, “Within the space of a full year,” it must mean a year of the original purchase.*

V.2. A. To whom is the house made sure in perpetuity [the first or a later purchaser]?

- B. R. Eleazar says, “To the first purchaser is it made sure.”
- C. R. Yohanan said, “To the second it is made sure in perpetuity.”
- D. *To be sure, in the view in R. Eleazar, [it is assigned to the first purchaser] since [in line with V B] it is in accord with his reckoning [namely, a year from his purchase of the house] that we reckon [the year]. But what reason can there be for R. Yohanan’s view?*
- E. Said R. Abba bar Mamel, “What is it that the first purchaser has sold to the second, if not every advantage that will accrue to him [in regard to this house,

hence, the reversion of ownership likewise accrues to the advantage of the second purchaser].”

We now proceed to a theoretical problem on the law at hand.

V.3. A. Said R. Abba bar Mamel, “If one has sold two houses in walled cities, one on the fifteenth day of the first Adar, and one on the first day of the second Adar, as to the person to whom he sold a house on the first day of the second Adar, once the first day of Adar in the following year has come, his full year is complete [since the year of the sale contained an intercalated month, the second Adar, while the following year had no such intercalated month and therefore only one Adar. In that case, on the first of Adar in the year beyond the sale, the purchaser has completed his full year of occupancy, and the seller may retrieve the house]. But as to the one to whom the seller sold a house on the fifteenth day of the first Adar, he has not completed his full year until the fifteenth day of Adar in the following year.”

- B. *Rabina objected to this reasoning, “But could [the former] not say to him, ‘I lit a fire before you’? [Jung: I have kindled fire and used the house before you. Why should it become your abiding possession before the one I used became mine?]”*
- C. *The reason [he may not say so] is that the latter could reply, “You were the one who chose the intercalated month [and so indicated that you would accept the law at hand.]”*

V.4. A. And R. Abba bar Mamel said, “If to [a farmer] were born two [first-born] lambs, one on the fifteenth day of the first Adar and the other on the first day of the second Adar [again, in a year that had been intercalated and received a second Adar], as to the one that was born in the second Adar, when the first day of Adar of the following year has come, a full year has been completed [and, being a year old, the first-born lamb must be offered up on the altar], while the one born on the fifteenth of the first Adar does not complete his full year until the fifteenth of Adar of the following year.”

- B. *Rabina objected to this reasoning, “And why should the one not say to the other, ‘I ate green grass before you’?”*
- C. *The reason is that the latter may reply, “You arrived in the intercalated month, I did not arrive in the intercalated month.”*
- D. *Why in the world do I need this second case [to make exactly the same point made in the first one, about the two houses]? For the one makes the same point as the other.*
- E. *What might you have said? In the former case, in which Scripture explicitly states “a full year” [one rule would apply], while here, in which Scripture does not state “a full year,” [that rule would] not [apply].*
- F. *Accordingly, we are informed that the use of the word “year” in both cases yields the same rule for each.*

VI.1 A. And when it says, “Full,” it means to encompass the months added in an intercalated year. Rabbi says, “[One allows him a year and its intercalated days] [M. 9:3H-I].

- B. *Our rabbis have taught on Tannaite authority:*
- C. *“A full year” (Lev. 25:30).*

- D. Rabbi says, “One counts three hundred sixty five days, that is, the number of days in the solar year.”
- E. And sages say, “One counts twelve months, from day to day, and if the year is intercalated, it is intercalated to his advantage.”

VII.1 A. If the last day of the twelve months has come and it has not been redeemed [M. 9:4A]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. “In perpetuity” (Lev. 25:30) means permanently.
- D. Another matter: “In perpetuity” serves to encompass a gift [M. 9:4B].
- E. *What is the scriptural basis for that statement?* Instead of “perpetually,” it says “in perpetuity” (semit/semitut).
- F. *Rabbis made this statement before R. Pappa: “In accord with whose view [is that statement [M. 9:4D] made]? It is not in accord with R. Meir’s view. For has not R. Meir said, ‘A gift is not in the category of a sale’ [contrary to M. 9:4B]?”*
- G. *Said R. Pappa, “You may even say [that it] does accord with R. Meir’s view, but the present case is different, for the All-Merciful has encompassed within the category ‘in perpetuity’ [even the case of a gift, as explained in the antecedent exegesis].”*
- H. *Said rabbis to R. Pappa, and R. Huna, son of R. Joshua said the same to R. Pappa, “But lo, with respect to the Jubilee, it is written, ‘You will return’ (Lev. 25:10) which serves to encompass a gift, and in that instance, R. Meir does not encompass a gift under the stated rule.*
- I. *“It must therefore follow that the law at hand assuredly does not accord with the view of R. Meir.”*

VII.2. A. Our rabbis have taught on Tannaite authority:

- B. **He who consecrates a house among the houses of a walled city — lo, this one may redeem [the house right away] and may redeem it at any time.**
- C. **If another party redeemed it from the domain of the sanctuary, if the end of the twelve months has come and the field has not been redeemed [by the original owner], it is permanently assigned to [the one who redeemed it from the sanctuary] [cf. T. Ar. 5:10].**
- D. *What is the scriptural basis for this rule?*
- E. Said Samuel, “It is in line with what Scripture has said, ‘To him who bought it’ (Lev. 25:30) — even from the domain of the sanctuary.”
- F. But should not the field be permanently assigned to the sanctuary?
- G. Scripture has said, “Through his generations” (Lev. 25:30) — excluding the sanctuary, which produces no generations.
- H. *Why do I require [the scriptural statement], “It shall not go out in the Jubilee” (Lev. 25:30)?*
- I. *Said R. Safra, “That statement is required only for [the case of] one who sells a house among the houses in a walled city, and the Jubilee year falls during the year [after he has sold the house].*
- J. *“It might have entered your mind to rule that the field should go out at the Jubilee.*

- K. *“Accordingly we are informed [that, in the case such as this one, the house] ‘will not go out [even] in the Jubilee year.’”*

We now come to Lev. 25:29ff., the sale of a house in a walled city. This house may be redeemed for a whole year after its sale. M. 9:3A, B, simply restate Scripture’s rule. C glosses. D, E then supply one further consideration, F-I, a second. C’s point is that the one who redeems the house during the year does not deduct, from his repayment to the purchaser, rent for the use of the house during the period between the sale and the redemption. It therefore appears that the purchaser has the use of the house in exchange for the use of his money from the time of the sale to the time of redemption. But this is not usury, since usury applies only to a loan, not to a purchase. D and E are clear as stated. F specifies that we calculate the year from the time of the purchase. H-I carry forward their own discussion of G. Full means to encompass a month added in an intercalated year, allowing thirteen months for redemption (H). Rabbi, for his part, speaks of a separate matter, namely, the intercalated days which bring the lunar calendar — 354 days — to the length of the solar one — 365 days. Rabbi allows redemption over the whole of a solar, not merely a lunar, year. Unit I thoroughly investigates the scriptural foundations for M. 9:3A. Unit II proceeds to expand on the issue of usury raised at M. 9:3C. Units III, IV gloss the language of the Mishnah and prove that the language is not redundant. Unit VI asks a question in the interpretation of the language of the relevant proof-text of Scripture.

9:4D-F

- D. **At first someone would hide on the day on which the twelve months were completed, so that it [the house] should become his permanently.**
- E. **Hillel the Elder ordained that one should deposit his money in the [Temple] office, break down the door [of the house], and take possession.**
- F. **Whenever the other wants, he may come and take his money.**
- I.1. A. Said Raba, “On the basis of Hillel’s ordinance [and the rule expressed there, that giving redemption money against the recipient’s will constitutes a valid act of transfer, we may draw the conclusion that in other cases, a transfer against the recipient’s will is not valid, since, in this case alone, it was necessary to provide through a special ordinance that such a transfer is valid here.]
- B. “[It would follow that if a man said,] ‘Lo, here is your writ of divorce on condition that you give me two hundred zuz,’ if the wife then paid the money with the husband’s consent, she is validly divorced, but if it was contrary to his wishes, she is not validly divorced. [The payment against the man’s wishes in the matter of the writ of divorce is invalid; only in the present instance is it validated by ordinance.]
- C. **[32A]** *“[What reasoning leads to this conclusion?] Since it was necessary for Hillel to make a special ordinance in the present case that a gift against the recipient’s will is a valid gift, it must follow that, in general, a gift against the recipient’s wishes is not a valid gift.”*
- D. *To this proposition R. Papa, and some say, R. Ashi, raised the objection, “But perhaps Hillel found it necessary to make such an ordinance [covering the present case], because the recipient was not present, but if the recipient had been present, then, whether it was with his consent or against his will, it would have*

been a valid gift. [The special case at hand involves a gift in the absence of the recipient, but if the recipient had been present, then if the funds are handed over, the gift is valid whether or not the recipient consents.]"

- E. *There are those who report the matter as follows:*
- F. Said Raba, "From the ordinance of Hillel, [it follows that if a husband said,] 'Lo, here is your writ of divorce on condition that you give me two hundred zuz,' and she gave it to him, whether this was with his consent or against his will, it is a valid gift.
- G. *"But where it was necessary for Hillel to make a special ordinance, it was when the gift took place in the recipient's absence. But if it had been in his presence, then, whether it was with his consent or against his will, it is a valid gift."*
- H. *R. Papa, and some say, R. Shimi bar Ashi, objected, "And perhaps whether it was in the recipient's presence or in his absence, if it was with his consent it was [valid] and if it was against his will, it was not [valid]; and as to Hillel, what it was necessary [in the case at hand] is all that he covered in his ordinance."*

The right to redeem a house sold in a walled city expires on the last day of the twelve-month period specified by Lev. 25:29. A restates that rule. B-C present the usual, minor clarification. D-F follow one established form for the at first ... ordained ... -construction. By hiding, the purchaser hopes to avoid receiving the funds brought by the original owner, who wants to redeem his property. Hillel nullifies that maneuver. In unit I Raba derives from the Mishnah-passage at hand a secondary issue entirely. There is then no discussion of the Mishnah-rule, but what we have depends upon the availability of the Mishnah-passage. So the present discussion falls into the category of reflection on the legal implications of a Mishnah-rule, not exegesis of the Mishnah-rule itself.

9:5

- A. **Whatever is inside the wall, lo, it is deemed in the status of a dwelling house in a walled city (Lev. 25:29).**
- B. **except for the fields.**
- C. **R. Meir says, "Also the fields."**
- D. **A house which is built into the wall —**
- E. **R. Judah says, "It is not a dwelling house in a walled city."**
- F. **And R. Simeon says, "The outer partition, lo, it is its [the city's] wall."**

- I.1. A. *Our rabbis have taught on Tannaite authority:*
- B. *"[Scripture refers to] 'a house' (Lev. 25:29).*
- C. *"I know only [that the law covers] a house. How do I know that the law includes olive presses, bath houses, towers and dovecots, cisterns, pits, and caves?"*
- D. *"Scripture says, '...which is in the city' (Lev. 25:30).*
- E. *"Is it possible that I should encompass [within the law] fields as well?"*
- F. *"Scripture says, 'A house,'" in the words of R. Judah.*
- G. *R. Meir says, "[Scripture says,] 'A house.'*

- H. "I know only [that] a house [falls within the law]. How do I know that the law includes olive presses, bath houses, towers and dovecots, cisterns, pits, caves, and even fields?"
- I. "Scripture says, '...which is in the city' (Lev. 25:30)."
- J. *But surely Scripture does say "a house"!*
- K. *Said R. Hisda said R. Qatina, "A sand-mound and a glen are at issue between [Judah and Meir]."*
- L. *"For has it not been taught in a Tannaite teaching: 'A sand-mound and a glen —*
"
- M. "R. Meir says, 'These fall into the category of houses.'
- N. "R. Judah says, 'They fall into the category of fields.'"

II.1 A. A house which is built into the wall — R. Judah says, "It is not a dwelling house in a walled city," etc. [M. 9:5D-E]:

- B. Said R. Yohanan, "Both [Judah and Simeon] interpret the same verse of Scripture.
- C. "'Then she let them down by a court through the window, for her house was upon the side of the wall, and she dwelt upon the wall' (Jos. 2:15).
- D. *"R. Simeon follows the plain sense of the verse [which treats the harlot's house as within the wall, hence within a walled city]."*
- E. *"But R. Judah takes the view that, [when Scripture states], 'She dwelt upon the wall,' [it means] not in a walled city [that is, her house was outside the city]."*

The definition of a house in a walled city is carried forward in M. 9:5. A states the obvious. B-C present one dispute, D-F, the second. Meir interprets A broadly, as against B's view of A. Simeon's view, contrary to Judah, is that the outer wall of the house also is the city's wall, so the house is deemed to fall under A. Unit I supplies a dispute on Scriptural interpretation as foundation for the Mishnah's dispute on the law, and unit II does the same.

9:6

- A. **[A house in] a city the roofs of which form its wall,**
- B. **or one in a city which was not surrounded by a wall from the time of Joshua ben Nun,**
- C. **is not deemed a dwelling house in a walled city.**
- D. **And what is a dwelling house in a walled city?**
- E. **[A city in which are not less than] three courtyards, each with two houses, surrounded by a wall from the time of Joshua ben Nun,**
- F. **such as: the old castle of Sepphoris; the fortress of Gush-Halab, old Yodpat, Gamala, Gadwad, Hadid, Ono, Jerusalem, and the like.**

I.1 A. Our rabbis have taught on Tannaite authority:

- B. "A wall" (Lev. 25:30) — and not a line [formed by roofs that join together] [= M. 9:6A].
- C. "Round about" (Lev. 25:31) — excluding Tiberias, the wall of which is formed by its lake.
- D. R. Eliezer bar Yosé says, "[Since the word at hand is spelled so as to bear both the meaning,] 'that has a wall' and 'that does not have a wall,' [the meaning is that]

even though the city does not have a wall now, if it had one earlier [in Joshua's time (M. 9:6B)], [the law applies]."

II.1 A. And what is a dwelling house in a walled city? [M. 9:6D]:

- B. *It was taught on Tannaite authority:*
- C. Gamla is in Galilee, Gadwad is in TransJordan, and Hadid, Ono, and Jerusalem are in Judah [explaining M. 9:6F].
- D. *What is the meaning of this statement?*
- E. [32B] Said Abbaye, "This is the meaning of the statement: [the area] up to Gamala is in Galilee, [the area] up to Gadwad is in TransJordan, and Hadid, Ono, and Jerusalem are in [the province of] Judea."
- F. Raba said, "'Gamala in Galilee' serves to exclude [reference to towns named] Gamala located in other provinces, likewise 'Gadwad in Transjordan' serves to exclude [reference to towns named] Gadwad located in other provinces. But, as to the others, which have no counterpart elsewhere, it was not necessary to define them in this way."

III.1 A. [Jerusalem, and the like: Since M. 9:6F defines Jerusalem as a city surrounded by a wall and subject to the rule of M. 9:6D, houses therein being permanently assigned to a new owner if the former one does not redeem the property within twelve months after its sale, we ask:] But is Jerusalem [a town in which the sale of a house may be] certified as permanent [and beyond redemption]?

- B. *And has it not been taught on Tannaite authority:*
- C. Ten rules were stated with reference to Jerusalem... A house is not certified as permanent [ly sold to a purchaser if it is not redeemed within twelve months after the sale].
- D. [Interpreting the Mishnah-passage's reference to Jerusalem as an instance, M. 9:6F,] said R. Yohanan, "It is 'like Jerusalem,' in that it has been surrounded by a wall from the time of Joshua b. Nun, and not 'like Jerusalem' [in some other aspect, for, so far as Jerusalem is concerned,] a house indeed is not certified [as permanently sold to the purchaser], while in the other instances a house may be certified as permanently sold."
- E. *R. Ashi said, "Did not R. Joseph say, 'There were two cities called Kadesh, so here too there were two cities called Jerusalem.'*

IV.1 A. [such as: the old castle of Sepphoris; the fortress of Gush-Halab, old Yodpat, Gamala, Gadwad, Hadid, Ono, Jerusalem, and the like:]

- B. *It has been taught on Tannaite authority:*
- C. R. Ishmael b. R. Yosé [says,] "Why did sages list [the cities catalogued at M. 9:6F]?"
- D. "Because, when the exiles returned [from Babylonia], they found these [cities] and consecrated them, but former cities [that existed at the time of the first Temple] were [treated as] null, since the [original] sanctification of the Land had been nullified [by the destruction of the Temple and the exile that took place in 586.]"
- E. Accordingly, he takes the position that the original consecration of the Land [by Joshua] served to consecrate the land for a time, but not for all time to come.

- F. *[To this view of the position of Ishmael,] the following objection was raised: “Said R. Ishmael b. R. Yosé, ‘And are these the only cities [subject to the rule at hand]? Has it not been said, ‘Sixty cities, all the region of Argob... all these were fortified cities’ (Deu. 3: 4-5). Why did sages catalogue [only] those [at M. 9:6]? It was because, when the exiles returned [from Babylonia], they found these and consecrated them.”*
- G. **(‘Consecrated them?’ But have we not said that they do not require consecration? Rather, ‘catalogued them.’)**
- H. **[Continuing D:] And not these alone [did they encompass in the relevant list,] But in the case of any [city] that may come to your attention as a tradition from your forefathers as having been surrounded by a wall from the time of Joshua b. Nun all these religious obligations apply to it, on the principle that the first act of consecration [by Joshua] served both for its own time and also for all time to come [T. Ar. 5:16].”** [Accordingly, it is explicitly assigned to Ishmael that the original act of consecration was permanent and not nullified by the destruction and exile of 586.]
- I. *If you wish, I shall propose as solution to the problem that we have two Tannaite authorities’ views of the opinion of R. Ishmael.*
- J. *And if you wish, I shall propose that one of the authorities at hand, [as sons of R. Yosé, is not Ishmael but] R. Eleazar b. R. Yosé. [Then Ishmael holds one view, his brother, Eleazar, the opposite view.]*
- K. *For it has been taught on Tannaite authority:*
- L. R. Eleazar b. R. Yosé says, “[Since the word at hand is spelled so as to bear] both the meaning, ‘that has a wall,’ and ‘that does not have a wall,’ [the meaning is that] even though the city does not have a wall now, if it had one earlier [in Joshua’s time, the law applies, I C].” [The earlier status persists even after the destruction.]

- IV.2.** A. *What is the reason for that view of him who holds that the first act of consecration served for that time but did not consecrate it for all time to come?*
- B. Since it is written [in Scripture], “And [all the congregation of] those who had come back out of the exile made booths and dwelt in booths, for, since the days of Joshua b. Nun the children of Israel had not done so, and there was very great gladness’ (Neh. 8:17).
- C. Is it possible [to imagine] that David came along and the Israelites did not make booths [for the Festival of Tabernacles] until Ezra arrived on the scene?!
- D. But [Scripture] draws an analogy between the Israelites’ coming in the time of Ezra and their coming in the time of Joshua.
- E. Just as when they came [to the Land] in the time of Joshua, they counted out years of release and Jubilees and consecrated cities surrounded by a wall, so when they came in the time of Ezra, they counted years of release and Jubilees and consecrated cities surrounded by a wall.
- F. And it further says, “And the Lord your God will bring you into the land which your fathers possessed, and you shall possess it” (Deu. 30: 5).
- G. Thus [Scripture] draws an analogy between your possession of the Land and the possession of your fathers.

- H. Just as the possession of your fathers involved an act of renewal of all these matters, so your possession requires a renewal of all these matters. [Accordingly, the original act of consecration served only up to the time of the destruction and exile in 586.]
- I. *And as to the other [sage, who holds that the original act of consecration was for all time, how does he interpret the cited verse of Nehemiah]?*
- J. *[Ezra] prayed for mercy on account of the evil inclination [of the Israelites] for idolatry and he thereby nullified [that inclination], and so his merit served to protect [the Israelites] like a booth [spread over them for protection].*
- K. *That is why Scripture itself treated meticulously the spelling of the name of Joshua, for in all places it is written, “Jehoshua” [with an H], but here it is written, “Jeshua” [without an H, on account of his failure to beseech God to remove from the Israelites’ heart the passion for idolatry. Jung: “Just as with Abram the enlargement of his name into Abraham was an expression of divine approval, so did this diminution (of “Jehoshua” to “Jeshua”) express divine disapproval. The reason for Joshua’s failure to implore the Lord to remove the passion for idolatry was his assumption that he possessed the land in its pristine holiness, so that it would in itself help Israel to overcome its idolatrous tendencies.”]*
- L. *Naturally Moses did not seek divine mercy, because he did not enjoy the merit[orious power accruing to inhabitants] of the Land of Israel. But as to Joshua, who did enjoy the merit[orious power enjoyed by those who live in] the Land of Israel, why did he not seek mercy [for Israel]? [That is why Joshua was censured by the shortening of his name.]*
- M. But it is written, “which your fathers possessed, and you shall possess it” (Deu. 30: 5)? [This verse indicates that a further act of consecration is required, as shown at F-H].
- N. *This is the meaning of the verse: “Since your fathers possessed the land, you too shall possess it.”*

IV.3. A. And did they count out years of release and Jubilee years [as claimed above]?

- B. If, after the tribe of Reuben, the tribe of Gad, and the half-tribe of Manasseh went into exile, the Jubilee years were annulled, could Ezra, concerning whom it is written [in Scripture], “The whole congregation together was [merely] forty two thousand three hundred sixty” (Ezr. 2:64), have counted them? [Surely there were too few Israelites to justify taking up the count of years of release and of Jubilee years, as will now be demonstrated, and that would indicate that they did not in fact count the years of release and Jubilees, against the assertion at V E].
- C. *For it has been taught on Tannaite authority:* Once the tribe of Reuben, the tribe of Gad, and the half-tribe of Manasseh, went into exile, Jubilee years were annulled, as it is said, “And you shall proclaim liberty throughout the land to all the inhabitants thereof” (Lev. 25:10).

- D. [The meaning of the proof text is this:] When all of its inhabitants are in it [you shall proclaim liberty], and not when part of them have gone into exile.
- E. Is it possible, [furthermore,] to suppose that the Jubilee year would be celebrated when the Israelites were on the Land but were confused among one another, with the tribe of Benjamin located in Judah and the tribe of Judah in Benjamin? [That is how things were in Ezra's day.]
- F. Scripture says, "To all its inhabitants," meaning, when its inhabitants are in good order and not when they are mixed together. [Accordingly, in the time of Ezra the Israelites surely could not have counted out years of release and Jubilee years.]
- G. Said R. Nahman bar Isaac, "They counted out the Jubilees [only] in order to consecrate the years of release [which continued to apply. Jung: "Though the Jubilees had been abolished, years of release were still observed, consequently they had to count the Jubilees in order to be able to observe the years of release in their proper time. For the year of Jubilee was not included in the seven years-cycle. They therefore had to know when the year of Jubilee arrives to be able to fix the next year of release, which was to be the eighth year following the year of Jubilee."]
- H. **[33A]** *That view poses no problem to rabbis, who take the view that the fiftieth year does not count [among the years of release, as explained by Jung].*
- I. *But in the opinion of R. Judah, who holds that the fiftieth year is counted as part both [the preceding cycle of seven years and also the ensuing cycle of seven years], why do I have [to continue to count the Jubilee]? Surely it suffices to count out the years of release.*
- J. *It assuredly follows that the cited statement is not in accord with R. Judah.*
- K. But [vs. A] did they not count out years of release and Jubilee years? For is it not written, "At the end of seven years you shall let go every man his brother who is a Hebrew, who has been sold to you" (Jer. 34:14).?
- L. *And in this connection we queried as follows:* "[Why is it written] 'at the end of seven years'? Is it not written, 'He shall serve you six years' (Deu. 15:12)?"
- M. And in response to this query, R. Nahman bar Isaac said, "'Six years' [applies] to the one who had been sold, and 'seven' to the one whose ear had been pierced [Exo. 21: 6, such a one continues to the Jubilee. If he had served for seven years, and the eighth was a Jubilee, he would go forth free.]" [Jeremiah spoke of the time of Zedekiah, after Sennacherib had exiled the north tribes. So the law of the year of Jubilee did remain valid in his time, contrary to the earlier statements.]
- N. But was not [Jeremiah's statement] intended as a denunciation, that is, the prophet meant to say, "Did you send them forth?"
- O. [Such a solution is impossible, for] is it not written, "And they obeyed and sent them forth" (Jer. 34:10). [It follows that the response just given is contrary to the facts.]

- P. Rather, said R. Yohanan, “Jeremiah brought them back, and Josiah, son of Amon, ruled over them.”
- Q. *How do we know that they returned? For it is written [in Scripture], “For the seller shall not return to that which is sold” (Eze. 7:13). Is it possible [to imagine] that the Jubilee had already been annulled and yet the prophet [Ezekiel] should prophesy that it would be annulled in the future [as is his message at Eze. 7:13]?*
- R. [Accordingly, the Jubilees were in effect, and that was because, as] the passage teaches, Jeremiah brought them back. [So A is wrong and K is right.]
- S. And how do we know that Josiah ruled over them? Since it is written, “Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God, who came from Judah and proclaimed these things that you have done against the altar of Beth El” (2Ki. 23:17).
- T. What was Josiah doing at Beth El, unless when Jeremiah brought them back, Josiah was ruling over them?
- U. R. Nahman bar Isaac said, “*Proof comes from this passage:* ‘Also, Judah, there is a harvest appointed for you when I return the exiles of my people’ (Hos. 6:11). [Jung: “Reading for kazir (harvest) kazin (prince, ruler). The letters r and n interchange... the meaning of the passage thus is given as: ‘From Judah’ (whose king Josiah was first) was a king appointed for thee (O Israel).”]

M. 9:6A excludes from the stated rule, first, houses in a city with no wall except the roofs of the houses, and, second, those in a city which had no wall in the time of Joshua. These fall into the category of houses in courtyards, M. 9:7A. M. 9:6D-E then carry the matter further. A town comprising three courtyards, each with two houses, surrounded by a wall from the time of Joshua, falls in the stated category, being a city. The Talmud begins with a close reading of the language of the Mishnah, units I, II. Unit III proceeds to take up the implications of the Mishnah’s law at M. 9:6F. Unit IV explains a still more encompassing consideration contained within the Mishnah’s rule. The remainder of the Talmud then explores the implications of the initiative begun at unit IV. IV:2 is explicitly continuous with the foregoing, even though it pursues a point of interest with no bearing on the Mishnah-passage at hand, and unit IV:3 continues what has gone before as well. I should regard the set as a continuous, ready-made discussion on issues essentially separate from the Mishnah at hand. The whole was inserted here on the pretext that the principal concern is expressed at IV A-B. But it really begins with IV C.

9:7A

- A. **As to houses in courtyards [without a surrounding wall] — they assign to them the privilege of a dwelling house in a walled city and the privilege of fields:**
1. **They may be redeemed forthwith [M. 9:3],**
 2. **and they may be redeemed for a full year — like houses.**

3. And they go forth at the Jubilee,
4. and [at an earlier time] by [payment of] a reduced price [M. 9:1] — like fields.

I.1 A. *Our rabbis have taught on Tannaite authority:*

- B. “[But the houses in courtyards which have no surrounding wall] shall be reckoned with the fields of the country” (Lev. 25:31).
- C. Scripture has drawn an analogy to a field of possession.
- D. Just as a field of possession goes forth at the Jubilee and [at any earlier time] by payment of a reduced price, so houses in courtyards go forth at the Jubilee and by payment of a reduced price.
- E. If [one should wish to propose], just as a field of possession may not be redeemed in less than two years [after sale], so houses in courtyards may not be redeemed in less than two years, Scripture [rejecting that possibility] states, “They may be redeemed” (Lev. 25:31), meaning, forthwith.
- F. [If one should wish to propose that] since you have assigned to them the benefit applicable to fields as well as the privilege of a dwelling house in a walled city, [the houses in courtyards] should not go forth at the Jubilee [contrary to M. 9:7A3],
- G. Scripture [rejecting that possibility] states, “And they shall go forth at the Jubilee” (Lev. 25:31).

I.2. A. *[Since, being comparable to a field of possession, the house goes forth at the Jubilee,] what did Scripture mean to say [in explicitly specifying that this is the case]?*

- B. Said R. Huna, “That statement was required only to cover [the case of] one who consecrated [to the Temple] a house in a courtyard, and someone else redeemed [the house] from the sanctuary, and the Jubilee year fell in the second year [after redemption]. At issue then is the governing analogy.
- C. “*If you compare the case at hand to the case of a house in a walled city, then the purchaser acquires permanent possession of the house [since the Jubilee has intervened, and the one who consecrated it has not effected its return], while, if you compare it to a field of possession, it goes forth to the priests [as do fields of possession that have been consecrated but not redeemed].*”
- D. “*With respect to such a case, it was necessary [for Scripture to state], ‘And it shall go forth in the Jubilee’ [and returns to its owner].*”
- E. *R. Zeira raised an objection to this formulation, “On what account do you posit that another party redeemed [the house in the courtyard]? Even if no one had redeemed it, [the case would be the same, would it not?]” [Even here, the cited phrase indicated that the law applies to a case of consecration no less than to that of sale, making the house in a courtyard returnable on the Jubilee to the original owner (Jung)].*”
- F. *Said Abbaye to him, “It is [stated explicitly that another party is involved] so that people should not say that what has been consecrated goes forth without any act of redemption.”*
- G. Whence do we know that fact? It is from the case of a Levite: Now if a Levite enjoys a privilege when he sells a house but does not enjoy a privilege when he

consecrates it [for when he sells a house in a walled city, he may redeem it at any time, but the house will not go forth from the sanctuary without an act of redemption],

- H. an Israelite, who does not enjoy a privilege when he sells a house, surely should not enjoy a privilege when he consecrates it. [This proves the fact behind Abbaye's assertion.]
- I. *And how do we know [that the Levite who consecrates a house must redeem it, and that it does not go forth from the sanctuary without an act of redemption]?*
- J. *Because it was taught on Tannaite authority: "[And if a man purchase of the Levites,] then that which was sold shall go forth [in the Jubilee year]" (Lev. 25:33).*
- K. May I infer [that that is the case] even with his slaves, movables, and bonds?
- L. Scripture specifies, "A house in a city of his possession" (Lev. 25:33).
- M. Why then does Scripture state, "that which was sold"?
- N. What he has sold goes forth without payment, but what he has consecrated does not go forth without payment, but rather through an act of redemption.
- O. *[What Huna said before, that if an outsider should redeem a house in a courtyard from the sanctuary, at the Jubilee it goes back to the original owner], stands at variance with what R. Oshaia said.*
- P. For R. Oshaia said, "Everything was subject to the governing principle, 'Then he shall add a fifth part of the money [for redemption, over and above the established price]... and it shall be assigned permanently to him' (Lev. 27:19, indicating that, once a person has redeemed something from the sanctuary, the object remains his in perpetuity).
- Q. "When, therefore, Scripture made explicit reference to a field of possession, 'But the field, when it goes forth in the Jubilee, shall be holy to the Lord' (Lev. 27:21), Scripture thereby teaches *that in the case of a field in particular, if an outsider redeems a field, it goes forth to the priests, but other items [redeemed from the sanctuary] are confirmed in their present status [as owned by the one who redeemed them].*"
- R. *[Addressing the familiar question of A to the position of Oshaia, we ask], then what need do I have for the statement of Scripture [cited by Huna as his proof-text], "And they shall go forth in the Jubilee" (Lev. 25:31)?*
- S. Said R. Papa, "The statement was required only to cover [the case of] one who sells a house in a courtyard and the Jubilee came in the second year [after sale]. *At issue is the governing analogy.*
- T. *"If you compare the case at hand to the case of a house in a walled city, then the purchaser acquires permanent possession of the house, while if you compare it to a field of possession, it will have to complete [the two years in the purchaser's possession].*
- U. "With respect to such a case it was necessary [for Scripture to state], 'And it shall go forth in the Jubilee.'"
- V. *There is a teaching on Tannaite authority which accords with the position of R. Huna and refutes that of R. Oshaia:*

- W. He who consecrates a house in a courtyard — lo, this one may redeem the house forthwith and may redeem it at any time.
- X. If a third party redeemed it from the domain of the sanctuary, if then the Jubilee arrived and it has not been redeemed [by the original owner, the field], the field returns to the owner in the Jubilee.

M. 9:7A takes up the opposite of a dwelling house in a walled city. The houses before us enjoy the benefits both of a dwelling house in a walled city, A/1-2, and an ordinary field, A/3-4. The Talmud's first unit provides scriptural amplification for the Mishnah's rule. It seems to me we have to treat 2.A ff. as distinct from the foregoing, since what I F regards as essential, 2.A regards as self-evident. The entire premise of Unit 2 then is that the cited verse has some meaning other than that explicit in its wording, which is why Huna and Oshaia have to invent cases to which the clause might possibly refer. That is why I.2 has to be distinguished from unit I.1, and, it seems to me, has further to be regarded as formulated in ignorance of unit I.1. The purpose of the unit, then, is to deal with the exegetical materials pertinent to the Mishnah, but the framer of the unit made no contribution to the exegesis of the Mishnah.

9:7B-D

- B. [33B] And what are houses in courtyards?**
- C. [A city in which are] two courtyards, having each two houses, even though surrounded by a wall from the time of Joshua ben Nun —**
- D. lo, these are deemed houses in courtyards.**

I.1. A. *Our rabbis have taught on Tannaite authority:*

- B. Since Scripture says, "Houses of courtyards" (Lev. 25:31), from the inference of such a statement do I not know that these do not have a wall? Why then does Scripture state explicitly, "which do not have a wall around them" (Lev. 25:31)?
- B. [It is to indicate that] even though they do have a wall, it is as if they have no wall [because they are not thickly settled].
- C. And how many [houses and courtyards are at hand]?
- D. "Houses" stands for two, "courtyards" stands for two, [hence], two courtyards having each two houses [M. 9:7C].
- E. *And may I say that [the present category would include] a house and a courtyard [alone]?*
- F. *If so, the All-Merciful should have written, "Courtyards" [without reference to houses].*
- G. *And if you should wish to claim that, had the All-Merciful written only "courtyards," it would mean to speak of a courtyard without a house in it, [on which account it was necessary to make explicit allusion to houses, with the further consequence that the reference to houses does not indicate what is claimed at E-F],*
- H. *[such a claim is not possible, for] a courtyard without a house falls into the classification of an enclosure [and not a courtyard at all].*

The Talmud supplies an exegetical basis for the law of the Mishnah and further explores the exegesis of the cited verse.

9:8A-G

- A. “An Israelite who inherited [a house in the city of the Levites] from his mother’s father, a Levite,
- B. “may not redeem the house in accord with this procedure.
- C. “And so too a Levite who inherited [a house in a city of Israelites] from his mother’s father, an Israelite,
- D. “may not redeem the house in accord with this procedure.
- E. “Since it is said, ‘For the houses in the cities of the Levites are their possession’ (Lev. 25:33) —
- F. “unless it is a Levite and [the house is in one of] the cities of the Levites,” the words of Rabbi.
- G. But sages say, “These rules have been stated only with respect to cities of Levites.”

- I.1 A. *Then into what [category does the Israelite who inherited a house in a city of Levites from his Levite-grandfather or a Levite who inherited a house in an Israelite city fall]?*
- B. *He falls into the category of a Levite.*
- C. *But the framer of the passage goes and repeats the rule as follows: Unless it is a Levite and [the house is in one of] the cities of the Levites [M. 9:8F]!*
- D. *Say [the rule as follows:] He may not redeem the house in accord with this procedure... unless it is a Levite and [the house is in one of] the cities of the Levites, the words of Rabbi [M. 9:8D, F].*
- E. *That conception poses no problems as to [the clause requiring the house to be in] a Levitical city, for it is written, “For the houses in the cities of the Levites...” (Lev. 25:33).*
- F. *But how do we know [that the rule applies solely to] a Levite [who owns a house in such a town]?*
- G. *It is in line with that which is written [in Scripture], “And if a man redeems of the Levites” (Lev. 25:33).*
- H. *[Along these same lines] it has been taught on Tannaite authority:*
- I. “And if a man redeems of the Levites” (Lev. 25:33).
- J. Is it possible that a Levite may redeem from an Israelite [in line with the stated procedure], because this one enjoys the privilege and that one does not, but a Levite may not redeem a house from another Levite, because this one enjoys the privilege and that one likewise enjoys that same privilege?
- K. [To prevent that false conclusion,] Scripture states, “From the Levites.”
- L. “From among Levites,” but not all Levites; excluded by that formulation is a Levite who is in the category of a mamzer [child of a union in violation of incest-taboos], or a *nethin*.

- II.1 A. And sages say, “These rules have been stated only with respect to cities of Levites” [M. 9:8G]:
- B. *But we do not invoke the rule, “Unless it is a Levite...” [M. 9:8F].*

M. 9:8A-G refers to Lev. 25:32-3, the rules about houses in Levites' towns. Rabbi invokes these rules only in the case of a Levite's redeeming his own house in a Levitical town, while sages say the rules apply to the town, but to anyone, not only a Levite, therein. The Talmud glosses the Mishnah, articulating its rule, and also provides a proof-text.

9:8H-N

- H. They may not turn (1) a field into a city's outskirts, or (2) a city's outskirts into a field, or (3) a city's outskirts into a city, or (4) a city into a city's outskirts.
- I. Said R. Eleazar, "With respect to what were these rules stated? With respect to cities of Levites. But as for cities of Israelites,
- J. "they may (1) turn a field into a city's outskirts, and (2) a city's outskirts into a field,
- K. "(3) a city's outskirts into a city, but (4) not a city into a city's outskirts,
- L. "so as not to wipe out the cities of Israel."
- M. Priests and Levites may sell at any time and redeem at any time [even in less than two years, (M. 9:1A), and even after one year, (M. 9:5, 7)],
- N. since it is said, "[The houses of the cities of their possession] may the Levites redeem at any time" (Lev. 25:32).

I.1 A. Said R. Eleazar, "With respect to what were these rules stated? With respect to cities of Levites, but as for cities of Israelites, they may..." [M. 9:8I]:

- B. *All parties in any event therefore concur that, in the case of [cities of] Levites, they may make no such changes.*
- C. *Whence the [scriptural authority] for this view?*
- D. Said R. Eleazar, "For Scripture has stated, 'But the fields of open land about their cities may not be sold' (Lev. 25:34).
- E. "Now what does the phrase, 'may not be sold,' mean?
- F. "If I propose that it means they may not be sold at all, lo, since it is written, 'The Levites may redeem at any time,' (Lev. 25:32), it follows that [Levites indeed do] sell [their houses].
- G. "Rather, what can the phrase, 'may not be sold,' mean? It can only mean one may not make changes [in the physical appearance of their cities, as specified here.]"

II.1 A. Priests and Levites may sell at any time and redeem at any time [M. 9:8M]:

- B. *Our rabbis have taught on Tannaite authority:*
- C. "The Levites may redeem at any time" (Lev. 25:32).
- D. What does this verse indicate?
- E. Since it is said, "According to the number of years of the crops he shall sell to you" (Lev. 25:15) [one cannot redeem a field that has been sold in less than two years after the original sale],
- F. one might have supposed that the same rule applies here.
- G. Accordingly, Scripture states, "Levites may redeem at any time," (Lev. 25:32).

- H. Since it is said, "But the field, when it goes out in the Jubilee, shall be holy to the Lord" (Lev. 27:21),
- I. one might have supposed that the same rule applies here.
- J. Accordingly, Scripture states, "Levites may redeem at any time" (Lev. 25:32).
- K. Since it is said, "Then the house that is in the walled city shall be made over to him in perpetuity" (Lev. 25:30),
- L. one might have supposed that the same rule applies here.
- M. Accordingly, Scripture states, "Levites may redeem at any time" (Lev. 25:32).
- N. *Now there is no problem in regard to the first two rules [D-F, G-I, since we can come up with reasons for the applicability of those rules], but how do Levites come to own houses in walled cities anyhow?*
- O. *For has it not been taught on Tannaite authority: These cities [belonging to the Levites] are not built either as small towns or as large walled cities but as medium sized towns. [Hence Levites should not own houses in walled cities, so what is the point of J-L?]*
- P. *Said R. Kahana, "There is no difficulty. In the one case we deal with a town which was walled and then settled, in the other with a town which was settled and then walled. [The Levites' town was settled and then walled.]"*
- Q. *But would such a town fall into the present category of a walled city?*
- R. *And has it not been taught: "And if a man sells a dwelling house in a walled city" (Lev. 25:29), [meaning], a city that was walled and then settled, not one that was settled and then walled.*
- S. Is it possible [to include in the stated category] a city which Israelites originally walled [and not idolators, prior to the conquest of the Land by Joshua]?
- T. Here the word "wall" is used, and elsewhere, the word "wall" appears [Deu. 3:5]. Just as, in the latter context, [we speak of walls built] by idolators, so, in the present context, [we speak of walls built] by idolators [prior to the conquest].
- U. Is it possible [to include in the stated category] a city which idolators walled only later on [after the conquest]?
- V. Here the word "wall" is used, and there the word "wall" appears.
- W. Just as there [we speak of walls built] by idolators prior to the conquest, so here too [we speak of] a wall built by idolators prior to the conquest.
- X. *R. Joseph, son of R. Sala Hasida, interpreted the matter before R. Papa: "For example, the cities had fallen [in Joshua's conquest] to [the Levites] [34A] together with their outskirts."*
- Y. *But the [cities] as well as their outskirts had to be torn down [for the Levitical cities must not be large walled cities].*
- Z. *Said R. Ashi, "It is necessary to specify the law at hand [J-L]. It might have entered your mind to maintain that, prior to the destruction of those cities, if a house was sold, it was to be confirmed [into the possession of the purchaser, as under ordinary conditions]. So we are informed [that under the stated, rather remote conditions, that is not the case]."*

II.2. A. Our rabbis have taught on Tannaite authority:

- B. "As a field devoted the possession thereof shall be the priest's" (Lev. 27:21).

- C. Why does Scripture make that statement? [It is to answer the following question].
- D. How do we know that, in the case of a priest who has consecrated a field that he has received as a herem [devoted field], the priest cannot say, “Since the field [ultimately] will go forth to the priesthood, and lo, it is now in my possession, let it be mine anyhow”?
- E. For [the priest could argue] that it is a matter of logic [that he should keep the field he has consecrated]: “If I take possession of what others [have declared herem], is it not reasonable that I should take possession also of what I myself [have declared herem]?”
- F. Scripture says, “And the field, when it goes forth at the Jubilee, shall be holy to the Lord; as a field devoted [as herem] the possession thereof shall be the priest’s” (Lev. 27:21).
- G. And what do we learn from the phrase, “A field that is devoted [herem]”?
- H. Now lo, [the text] came to provide information, and it turns out to derive information [from its context, as well]. [Scripture] draws an analogy between a field that [a priest] has devoted and a field of possession of an Israelite.
- I. Just as [a field of possession of an Israelite] goes forth from the Israelite’s possession and is divided among the priests [if the Israelite has consecrated it and not redeemed it in the Jubilee],
- J. so a field that has been devoted [by a priest as herem] goes forth from [the priest’s] hand and is divided among his brethren, the priests.
- K. A master has stated, “...*if I take possession of what others [have declared herem]... [E]*’ — *but is the case comparable?*
- L. *There [the priest] owns merely [the title], while here he acquires the actual property itself!*”
- M. *Said Rami bar Hama, “It was necessary [to make matters explicit, despite the poor argument that renders the foregoing useless,] for it might have entered my mind to maintain that since it is written, ‘And every man’s Holy Things shall be his’ (Num. 5:10, in respect to sacrifices that a priest offers on his own account),*
- N. *“the same rule applies here, [namely that something he has consecrated should be his] because it is analogous to his Holy things.”*
- O. *But do the two cases belong in the same category?*
- P. *His Holy Things do not fall into his domain [since they are offered on the altar to God], while the property at hand most certainly falls into his domain.*
- Q. *Rather, said R. Nahman, “It was indeed necessary. It might have entered my mind to say that since it is written, ‘For that is their possession forever’ (Lev. 25:34), lo, [the devoted property at hand] falls also into the category of ‘his possession’ [and need not go forth to the rest of the priesthood].*
- R. *“Lo, we are therefore informed otherwise; ‘his possession’ is ‘his possession,’ [and thus subject to the law at hand], but what has come to him as herem is not in that category at all.”*

Num. 34:3 specifies that the open space outside a city is neither used for sowing nor set aside for building. M. 9:8H’s rule then is clear that the field cannot be turned into a city’s outskirts, or vice versa, because, in the former case, cultivated area will be lost, and in the latter, the city would be made ugly, being deprived of

its open space. The outskirts cannot be taken over by the city, nor can the city be turned into its outskirts, since this would limit population. Eleazar's position is clear. These rules apply to Levites' towns (Num. 35: 4-5). But ordinary ones are subject to the rule of J-K, L. It is permitted to add to a city, J/1, K3, but not to limit its growth, L. The relevance of this rule to M. 9:8A-C is solely the topic, the Levitical cities. M restates Scripture; it hardly then requires the proof-text, N. Units I.1 and II.1 provide a scriptural basis for the Mishnah's rule. Unit II.1 goes on to a secondary issue pertinent to the Mishnah's amplification. Unit II.2 proceeds to a secondary matter, namely, the status of a field a priest has declared herem. I am not certain why the entire discussion has been introduced, since it does not intersect with M. 9:8M-N, but perhaps the reference at the end to property that Levites hold as inherited possessions, parallel to M. 9:8N, accounts for the redactor's inclusion of the entire construction. At any rate I can think of nothing else.