



Volume 11. Issue 28

Being Makdish a Sde Mikneh

Towards the latter half of *masechet Erchin* we learn about important differences between a *sde achuza* and a *sde mikneh*. A *sde achuza* is one's ancestral land. These lands cannot be sold forever and instead return to the original owners in the *yovel* (jubilee) year. We learnt however, that if the owner is *makdish* (consecrates) the land and does not redeem it before the *yovel* year and/or it is sold to another party, then it does not revert back to the original owners. Instead it is divided amongst the *kohanim* that are serving when *yovel* begins.

A *sde mikneh* on the other hand, refers to purchased land that was not one's *sde achuza*. There are a number of differences between the two types of land. One difference mentioned in the *Mishnah* (7:5) is that if one consecrates a *sde mikneh* and it is not redeemed prior to the *yovel*, it nevertheless returns to the original owner. The *Mishnah* explains, "One cannot not consecrate something that does not belong to them". This is a general principle that one cannot take another's property and consecrate it. In this case, since the purchased land is effectively a lease until the *yovel* year, the land is not the purchaser's to dedicate to *hekdesh* perpetually.

The *Tosfot Yom Tov* notes that the rationale provided by the *Mishnah* may appear unnecessary. When teaching about the case where one consecrate a *sde mikneh* the *pasuk* itself states explicitly that (*Vayikra* 27:24): "In the Jubilee Year the field shall return to the one from whom he acquired it; whose ancestral heritage of the land it was." The *Tosfot Yom Tov* however explains that the *pasuk* is mentioned in the context of where the person who consecrated the *sde mikneh* subsequently redeemed it. The *Mishnah* was therefore required to teach that the law also applies if a third party or no one redeemed it prior to the *yovel*.

A question brought down in the name of the *Griz* (Stencil 14a) is why the rationale of the *Mishnah* was required at all. The fact that consecrated land does not return to the owners is a novel law that is only mention regarding *sde achuza*. In other words it is one of the laws of *sde achuza*, so why should one assume that it applies elsewhere? The *Griz* understands therefore that this law regarding consecrated land not returning to the owners is not a law in *sde achuza*. Rather it is a law in *yovel*. Consequently he understand that if there was a situation where there would not be an issue of consecrating property that belongs to someone else for a *sde mikneh*, then it would, just like a *sde achuza*, be divided amongst the *kohenim* in the *yovel* year.

The *Minchat Chinuch* (355:5) raises such a case: if one sold their land ten years before the *yovel* for sixty years. The *Gemara* (*Bava Metzia* 79a) teaches that the land would not return to the owner until the second *yovel*. Consequently there would be no issue of "ein adam makdish davar she'eino shelo". Nevertheless that *Minchat Chinnuch* argues that the core reason is not "ein adam..." but rather the above mentioned *pasuk*. He understands that the *Mishnah's* comment of "ein adam..." is simply because the logic applies in most situations.

The *Kehillot Yaakov* (7)¹ writes however that both reasons, the *pasuk* and general rule, are required. Had the law just been based on the *pasuk*, one might think that it would only return to the owners without to provide monetary redemption, if it had already been redeemed. Otherwise, one might think that the sanctity cannot simply disappear when the *yovel* arrives. Consequently, the rule of "ein adam..." teaches that *hekdesh* never had control over it for the *yovel* year and it can be returned to the owner without redemption.²

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¹ Cited in a footnote in the *Yalkut Biurim, Erchin* 26b (*Metivta*)

² Whether the *sde mikneh* can return to the owners without having ever been redeemed is the subject of debate. See the *Tosfot Yom Tov*.

Revision Questions

ערכין ו' ד': ח' ז'

- If one sanctifies his possessions, does this include his *tefillin*? (ו' ד')
- What items are not included such a *neder*? (ו' ה')
- If an item made *hekdesh* would improve in value with time, do we wait? (What three examples are brought?) (ו' ה')
- How close to the *yovel* year can once sanctify a *sde achuzah*? (ז' א')
- How close to the *yovel* year can one redeem a *sde achuzah* and why? (ז' א')
- How is the value of a *sde achuzah* calculated? (ז' א')
- How shallow must a pit (of water) be in the field to be included in this calculation? (ז' א')
- Who can redeem a sanctified *sde achuzah* and what is the difference between these two groups of people in terms of the value to be paid? (ז' ב')
- What other difference is there between these two groups of people? (ז' ג')
- Who gets ownership of the *sde achuzah* if a *kohen* redeems the field and the *yovel* year arrives? (ז' ג')
- Explain the debate regarding the processes if one does not redeem his *sde achuzah* by the *yovel* year. (Include all three opinions.) (ז' ד')
- Explain the debate relating to a field that was purchased from one's father, sanctified and then the father passed away. (ז' ה')
- Which people are able to redeem their field even after *yovel*? (ז' ה')
- What happens if someone sanctifies a field when the laws of the *yovel* year do not apply and how does it differ from when *yovel* does apply? (ז' ח')
- When *hekdesh* sell a field, what is the law if they receive offers of 10, 20, 30, 40 and 50 but then , in reverse order, each of the parties take back their offer? (ז' ב')
- In the bargaining process of the sale of a *hekdesh* field, what is the law if both the original owner and another person offer \$20? (ז' ב')
- In the continuing bargaining, what must the owner offer to an offer of: \$21, \$22, \$23, \$24 and \$25? (ז' ג')
- What are the two types of *charamim* and what type of *cherem* is referred to in the eight *perek*?
- According to *R' Elazar* what is the law if someone is *machrim* his entire property? (ז' ח')
- From where does *R' Elazar ben Azarya* learn that one should not *machrim* all his possessions? (ז' ח')
- Can one *machrim* their child? (ז' ח')
- Explain the debate regarding who are unable to *machrim*. (Include all three opinions.) (ז' ח')
- What is the difference between the two types of *charamim*? (ז' ו')
- If someone declares something *cherem* which type of *cherem* has he employed? (ז' ח')
- Can a person *machrim* an existing *korban*? (ז' ז')
- If someone was *machrim* a *bechor* how is it redeemed? (ז' ח')

Local Shiurim

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Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
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Friday & Shabbat

10 minutes before *Mincha*
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ONLINE SHIURIM

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www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 rd August ז' אב	4 th August ח' אב	5 th August ט' אב	6 th August י' אב	7 th August יא' אב	8 th August יב' אב	9 th August יג' אב
Erchin 9:1-2	Erchin 9:3-4	Erchin 9:5-6	Erchin 9:7-8	Temurah 1:1-2	Temurah 1:3-4	Temurah 1:5-6

