

Bava Basra – Simanim

דף עב – Daf 72

פרק ד – המוכר את הבית

1. *Hekdesh* of trees re: redeeming according to value or with the *achuzah* rate

The Gemara proves that Rebbe Shimon cannot hold like Rebbe Akiva (that מוכר בעין יפה מוכר) from a Baraisa: if someone is *makdish* three trees planted in a density of ten trees per בית סאה, it is considered a field of trees, and the land and trees between them are also *hekdesh*. Therefore, it is redeemed at the rate for a שדה אחוזה – *ancestral field* (i.e., an area for planting a *chomer* of barley for fifty *shekels* divided between forty-nine years), not according to their value. If there was less or more space between the three trees (so it is not a proper field of trees), או שהקדישן בזה אחר זה – or if he was *makdish* them one after the other (not simultaneously), the land and trees between them are not *hekdesh*, so the *hekdesh* trees are redeemed according to their market value. This Baraisa, which holds that being *makdish* two trees does not automatically make the land *hekdesh*, cannot follow Rebbe Akiva's view, that even a sale is made בעין יפה, nor even the Rabbonon, who agree that *hekdesh* is made בעין יפה, and land would be included with two trees. Therefore, it must be Rebbe Shimon, and he must hold that even *hekdesh* is made בעין רעה.

2. Someone purchased a field from his father and was *makdish* it, then his father died

In a Baraisa, Rebbe Yehudah and Rebbe Shimon say that if someone purchases a field from his father, was *makdish* it, and then his father died, it is still redeemed at the rate of a שדה אחוזה, because the *passuk* says: "ואם את שדה מקנתו אשר לא משדה אחוזתו" – but (if one is *makdish*) his acquired field that is not of his *ancestral fields*, which they *darshen*: שדה – only a field which was not fit to be an *ancestral field* is considered an acquired field (and redeemed at market value). יצתה זו שראויה להיות שדה אחוזה – That excludes this field, which is fit to be an *ancestral field*, since he inherits it when his father dies. Rebbe Meir says this is considered an acquired field, and the *passuk* excludes where the father died before he was *makdish* it, because he was *makdish* an *ancestral field*. The Gemara assumes that Rebbe Shimon and Rebbe Yehudah hold the *passuk* excludes even their case, משום דאזלי בתר פדיון – because they follow the time of redemption, and the father died before the redemption in their case. [This contradicts the סיפא of the above Baraisa, which was attributed to Rebbe Shimon]

The Gemara answers that although they generally do not follow the time of redemption, they see an indication in the *passuk* that it excludes even their case.

3. Carob and sycamore trees have the status of trees and the status of land

Rav Huna said: תורת אילן עליו – a grafted carob tree or a pruned sycamore tree – has the status of a tree, ורתת קרקע עליו – has the status of a tree and has the status of land. It has the status of a tree, והיא קרקע עליו – where one was *makdish* or sold two trees plus this carob or sycamore, [the recipient] receives land along with the trees, because we consider the carob as a tree, for a total transaction of three trees. It has the status of land, דלא מזדבן אגב ארעא – in that it is not sold along with land, as opposed to ordinary trees. Rav Huna also said: עומר שיש בו סאתים – a sheaf of grain which contains two *se'ah*, תורת עומר – has the status of a sheaf and has the status of a large heap. It is considered a "sheaf" in that if it is forgotten with two other sheaves, they are considered three forgotten sheaves and are not left for the poor as שכחה. It is considered a "heap" in that if it is forgotten alone, it is not שכחה.

Siman – Thick Piece of Cake (עב)

The cake maker who made a big cake to celebrate being פודה at market value the three trees he was *makdish* one after the other, told a customer who was *makdish* a field he purchased from his father who subsequently died that he could make him a שדה אחוזה cake for the redemption, now that he finished decorating the cake with a grafted carob tree and pruned sycamore on top, which both have the status of trees and land.

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Thick Piece of Cake



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3 things to remember

1. **Hekdesh** of trees re: redeeming according to value or with the שדה אחוזה rate
2. Someone purchased a field from his father and was *makdish*, then his father died
3. Carob and sycamore trees have the status of trees and the status of land

