

OVERVIEW of the Daf

1) Leaving behind some of the tree (cont.)

The Gemara continues to identify the ten different species of cedar.

2) **MISHNAH:** The Mishnah presents a dispute between Tanna Kamma and R' Meir pertaining to what is included in the sale of two trees. The Mishnah discusses different applications of Tanna Kamma's position.

3) Bikkurim

A Mishnah in Bikkurim is cited in which Tanna Kamma and R' Meir seem to dispute the same issue that they dispute in our Mishnah.

R' Yehudah in the name of Shmuel presents another interpretation of R' Meir according to which his ruling in the Mishnah in Bikkurim is unrelated to his position in Bava Basra.

Shmuel's assertion regarding R' Meir's position is unsuccessfully challenged.

Additional unsuccessful challenges to Shmuel's interpretation from verses are presented.

Rabbah successfully challenges Shmuel's interpretation from a Baraisa.

R' Shimon ben Elyakim asked R' Elazar to explain the rationales behind R' Meir and Rabanan's respective positions in the Mishnah in Bikkurim.

R' Elazar did not know how to explain their positions but Rabbah did.

Rabbah's explanation is unsuccessfully challenged.

The Gemara presents a number of unsuccessful challenges to the possibility of bringing bikkurim from fruit that grew on someone else's land.

The Gemara explains R' Yosi bar Chanina's ruling that if the owner sent his bikkurim to Yerushalayim with an agent and the agent died on the way the owner does not recite the bikkurim verses. ■

REVIEW and Remember

1. If a person purchases two trees and they die, is he allowed to replace the dead trees?

2. What is R' Meir's unique position regarding bikkurim?

3. What is the prohibition against bringing unconsecrated fruit in to the Beis HaMikdash?

4. Explain כל הראוי לביילה בילה מעכבת בו.

Distinctive INSIGHT

Bringing bikkurim but not reading the accompanying verses

אמר לו דבר שהראשונים לא אמרו בו טעם תשאלני בבית המדרש
 כדי לביישני? אמר רבה מאי קושיא... ■

The opinion of Rabbi Meir from Mishnah Bikkurim (1:6) regarding bringing bikkurim and reading the accompanying declarative verses is discussed in our Gemara. We find that Rabbi Meir holds that if a person buys even one tree, he must bring bikkurim from those fruits, but he does not read the verses (מביא ואינו קורא). R' Shimon b. Elyakim asked R' Elazar to explain, if R' Meir holds that one does not read the verses, why should he have to bring the fruits at all? His being exempt from reading the verses indicates that he does not qualify for the Torah's guideline of the fruit's being "מארצך— from your land," so this should also exempt him from the very bringing of the fruits as bikkurim in the first place. In response to this question, R' Elazar rebuked R' Shimon and said, "This matter was not explained by our predecessors. Why do you ask this to me in front of the entire beis midrash simply to embarrass me?"

Rabba, however, did offer an explanation of the opinion of R' Meir. Perhaps, he suggests, that R' Meir is unsure whether buying one tree allows the buyer to own land under that tree or not. Therefore, one must be stringent and bring bikkurim from its fruit, just in case he does own the land. Yet, he need not read the accompanying verses. Nevertheless, R' Elazar apparently did not agree with Rabba. He holds that due to the doubt, one who buys one tree does not receive the land upon which the tree grows. Therefore, without receiving the land, at that point it would not be necessary for the buyer to bring bikkurim. This is why he felt that the reason for R' Meir was not apparent, and when he was asked publicly to explain the reason, he told R' Shimon that he felt shamed.

It could also be that R' Elazar agrees that the opinion of R' Meir to being bikkurim is based upon the fact that there is a doubt whether the buyer of one tree receives the land upon which the tree sits. Nevertheless, the Gemara points out that in order to actually bring the bikkurim in a case of doubt there are many issues which must be resolved. The owner must consecrate the fruit, he must separate the appropriate tithes (just in case they are not bikkurim), he must present the ma'aser rishon to a kohen, and he must send the fruits to Yerushalayim with a messenger, but then bring them himself to the Beis HaMikdash. R' Elazar told R' Shimon that the resulting halacha was complex, and it was best that it not be spoken about in public. ■

HALACHAH Highlight

Birchos hamitzvah and birchos hanehenin

דאע"ג דאין חייב לקנות טלית כשאין לו חשיב חובת הגוף (תוס' ד"ה ההוא למעוטי)

Although there is no obligation to purchase a talis if one does not own one [it is nevertheless] considered an obligation that rests on the person

Teshuvos Chavalim Ba'ni'imim¹ notes a contradiction between two rulings found in the Rosh. In Rosh's commentary to the third perek of Rosh Hashanah he notes that the beracha on tzitzis is categorized as a bircas hamitzvah and as such one person can make the beracha on behalf of others. In his commentary to the first perek of Chullin he rules that one who is not slaughtering an animal may not make the beracha on behalf of another. Seemingly, the beracha recited for slaughtering an animal is also a bircas hamitzva and as such it should be permitted for one person to make the beracha for another even if he is not performing the mitzvah. Why then does Rosh rule that one may not recite the beracha on slaughtering for someone else?

He suggests that the rationale for the distinction can be found in a comment of Pri Chadash² who categorizes the

beracha on slaughtering as a bircas hanehenin. The reason the beracha on slaughtering is categorized as a bircas hanehenin is that the common denominator of birchos hanehenin is that they come to permit something that was prohibited. In other words, the mitzvah that one performs when he separates challah, slaughters an animal or makes a beracha on food serves to permit something to be consumed that until that point was prohibited. A bircas hamitzva, on the other hand, does not serve to permit something that was otherwise prohibited; it is merely an obligation that rests upon a person to fulfill. Accordingly, tzitzis is categorized as a bircas hamitzva since it does not come to permit something that was otherwise prohibited. There is no prohibition against wearing a garment that does not have tzitzis and tying tzitzis does not permit the garment, all that exists is the mitzvah to tie tzitzis to a four cornered garment. Proof that tying tzitzis to a garment does not serve to permit the garment is found in our Tosafos who writes that tzitzis is categorized as an obligation of the person rather than an obligation of the garment and thus one is not even obligated to purchase a garment so that he could tie tzitzis onto the corners of the garment. ■

1. שו"ת חבלים בנעימים סי' א'

2. פרי חדש יו"ד סי' א' אות ל"ג.

3. תוס' ד"ה ההוא למעוטי חוצה לארץ. ■

STORIES Off the Daf

By proxy

"בצרן ושגרן ביד שליח..."

Gambling is a very pernicious habit since once a person is used to it, he finds it hard to give up. A person who is trying to break his addiction often feels as though the excitement has gone out of his life and falls right back into the gambling trap. Sadly, this habit has ruined countless households when people gambled away rent and food money to feel the ephemeral thrill of the chance to "make it big."

A certain man was having terrible trouble breaking his gambling habit. Although he was quite wealthy and his losses didn't present too much of a problem for him, he realized that it was an abysmal waste and was determined

to give it up. As much as he tried, though, he would always fall back into it. One day he got so tired of being a slave to his addiction that he swore never to gamble again.

For a while he felt wonderful and thought he had finally rid himself of this unwanted habit. But, after a short time, he was afflicted with the craving again and had a deadened feeling which he knew gambling would cure, if only temporarily. Of course he would never break his oath no matter what. Yet he wondered if he was permitted to gamble by proxy. After all, he had only sworn not to gamble himself, and presumably using a messenger would not violate his oath.

But just to make sure he decided to consult with the Mahari of Bruno, zt"l, whose ruling knocked the sense back into him. "In Bava Basra 81 we find that if one sent bikurim to Yerushalayim via

a proxy who also picked the fruit but the proxy died on the way and a second messenger brought the fruit instead, the owner of the fruits may not recite parshas bikurim. This is because the person who picked the fruits must bring them to Yerushalayim in order for the owner to read parshas bikurim.

"Tosafos in Perek Hasholeach brings Rabbeinu Shmuel, who taught that if the same messenger picked the bikurim and brought them to Yerushalayim, the owner can recite parshas bikurim, since שלוחו של אדם שולחו¹, a proxy who does something is exactly the same as the owner. The same is true in your case. If you gamble by proxy, this violates your oath since it is the same as gambling yourself!"² ■

1. תוס' גיטין, דף מז ע"ב, ד"ה בצרן ושגרן ביד שליח

2. שו"ת מהרי מברונא, סי' קכ"ד ■