

OVERVIEW of the Daf

1) The New Year for vegetables (cont.)

R' Zeira unsuccessfully challenges the source that indicates that grain, grapes and olives are subject to ma'aser when they reach a third of their maturity is identified.

R' Yirmiyah questions whether the Sages were such experts that they could distinguish between a plant that reached a third of its maturity and one that did not.

R' Zeira sharply criticized R' Yirmiyah for presenting this challenge, when we know that all measurements of the Sages are given in exact quantities. A number of examples along these lines are presented.

R' Yirmiyah retracted his previous question based on an exchange between R' Kahanah and his colleagues regarding the Korban Omer offered when the Jews first entered Eretz Yisroel in the time of Yehoshua.

The proof, however, is rejected.

R' Chanina challenges R' Assi's assertion (12b) regarding the source for the obligation to separate ma'aser when the produce is a third of its maturity.

R' Zeira notes that this challenge is irrefutable.

An alternative source for this halachah is found in a Beraisa.

This drosha is unsuccessfully challenged.

2) Determining a plants ma'aser year

A Mishnah in Shevi'is is cited that teaches that the ma'aser obligation of certain plants is determined by when they take root.

Rabbah notes that this criteria does not match any of the known measurements for determining the ma'aser obligation.

Rabbah offers an explanation for the Mishnah.

Abaye unsuccessfully challenges this explanation from a Beraisa.

Shmuel rules in accordance with R' Shimon Shezuri's ruling in the Beraisa.

R' Zeira unsuccessfully challenges this ruling. ■

Gemara GEM

Determining the moment which obligates ma'aser

אמר ליה ר' שמעון בל שזורי קאמרת, ר"ש שזורי סבר יש בילה

Normally, the status of vegetables for ma'aser is a function of when they are picked—בתר לקיטה. Yet the Mishnah in Shvi'is (2:7) rules that rice, millet, etc. are categorized for ma'aser based upon when they take root. The reason for this difference is that these types are picked in small batches and collected in the storage area. If we would follow the standard procedure of using the time they are picked as the rule, we would have a mixed collection of vegetables which may be from different years of the ma'aser cycle all in one large pile. The Rabbanan therefore changed the system in this case, and allowed the determining factor to be when the plant takes root. Here, the entire crop takes root at the same time, and the entire pile of vegetables are from the same year. This is the explanation necessary for the opinion of Rabbanan, for they do not allow בילה, physical blending, to enable a representative sampling to be ma'aser of each year's goods for its proportional amount in the pile. However, Tosafos wonders why we have to revert to using "השרשה—taking root" as a new system according to Reb Shimon Shezuri, who does say that בילה works.

Ritva, in the name of Ra'aved explains that even Reb Shimon Shezuri agrees that although blending works to enable a fair proportion to be separated for the ma'aser of each year, this is still not the best solution to be used. There is always the possibility that one might not blend the pile adequately. Rather, the best thing would be for the Rabbis to allow the standard to be when the plants all take root at the same time. ■

REVIEW and Remember

1. What is the proof that Chazal gave specific measurements?
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2. Where did the Jews obtain the grain they used to bring the Korban Omer when they first entered Eretz Yisroel?
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3. What stage determines the year a fruit is tithed?
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4. Explain: בילה.
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HALACHAH Highlight

Chodosh

ממאי דאקריבו... דילמא לא אקריבו... לא סלקא דעתך

There is the well known opinion of Rav Yoel Sirkis, the Bach, concerning chodosh (new grain that is prohibited until the Korban Omer is brought on the sixteenth of Nissan). In defense of the lenient approach practiced by the scholars of previous generations, Bach writes¹ that the prohibition of chodosh does not apply to grain that was grown by non-Jews. This opinion is quoted by many Poskim².

Rav Shabsai HaKohen of Vilna³, the Shach, disagrees with Bach and cites our Gemara as proof against him. The proof is the fact that our Gemara entertains the possibility that the Jews did not offer a Korban Omer the year they entered the land because they could not obtain grain grown by a Jew. Yet it never concluded based on this thought that the prohibition of chodosh did not apply. The reason, concludes the Shach, is that even grain grown by a non-Jew is subject to the prohibitions of chodosh.

Rav Yaakov HaKohen Papirs⁴, author of Teshuvos Shev Yaakov, writes at length on this topic and explains that the Jewish people inherited the land retroactively. Therefore, the grain that grew in the land is considered theirs and thus the prohibition of chodosh applied to the grain. Nonetheless, the omer offering could not be brought from that grain because the Torah teaches that to be acceptable for the offering it must be grown by a Jew and it is not sufficient that it become the property of a Jew. With this, he deflects the proof of the Shach because, according to his approach, the prohibition of chodosh applied because it was grain that belonged to a Jew.

Along similar lines, Teshuvos Knesses Yechezkel⁵ challenges the premise of the Bach and Shach that the grain was considered the property of the non-Jews. Tosafos⁶ writes that the land belonged to the Jewish People as an inheritance. Accordingly, the question of whether grain grown by a non-Jew is subject to the restriction of chodosh can not be derived from this Gemara. ■

1. ב"ח יו"ד סי' רצ"ג ושו"ת הב"ח החדשות סי' כ"א, מ"ז-מ"ט
2. ע' שר"ע א"ח סי' תפ"ט סע' י' ומ"ב שם וע"ע מנהג ישראל תורה שם
3. ש"ך יו"ד סי' רצ"ג סק"ו
4. שו"ת שב יעקב ח"א סע' ס"א
5. שו"ת כנסת יחזקאל סי' מ"א
6. תוס' ד"ה ולא קציר ■

STORIES Off the Daf

Trusting the Chochomim

א"ל לאו אמינא לך לא תפיק נפשך לבר מהלכתא, כל מדות חכמים כן הוא!

On today's daf, we find that the sages established that crops harvested on Sukkos must have grown exactly one third in the previous year. When Rav Yirmiya asked how they could have determined this with such precision, Rav Zeira rebuked him. "Don't question the Rabbanan!" he said. "All halachic measures are this way!"

Once, when Rav Chaim of Brisk, ז"ל, was preparing his lecture before a few select students, they argued that they did not agree with his funda-

mental point, and they therefore did not understand why he reasoned one way and not the other.

Rav Chaim took a good long look at the group of students and asked, "Can any of you tell me what the inner thoughts of the Kohein Gadol were when he entered the kodesh kodashim on Yom HaKippurim?"

The students gaped at their mentor in total confusion and admitted, "No, we have no idea."

"Correct!" said Rav Chaim. "And you don't need to know either!"

He went on, "Everyone trusted that the Kohein Gadol knew what to do to perform the avodah correctly. You, too, do not need to understand my exact intentions. All you need to do is attend closely to my words. That is all."

Rav Shach, ז"ל, would tell this

story and say, "When it is said that students are like children, it shows that one must love his students as he loves his own child. But it also means that the students must see themselves as children who are dependent on their Rebbi as on a father—and are as submissive as a son must be toward his father!"

He would explain further, "Rav Chaim wanted to instill in his students the awareness that it is only through reverence for one's Rebbi and submission to his opinion that the student will absorb his mentor's path in learning. If the student sets himself up as a judge of his own Rebbi, he'll be left with nothing but his own limited understanding!" ■