

וְדִלְמָא לֹא עֵייל בְּלָל. וְקָאָמַר רַחֲמָנָא  
תְּשַׁמֵּט וְתִיּוּל עַד חַג הַסּוּכּוֹת?

לֹא סֵלְקָא דְעֵתְךָ, דְכַתִּיב: "וְחַג הָאֶסִּיף  
בְּצֵאת הַשָּׁנָה". מֵאֵי אֶסִּיף? אֵילִימָא  
חַג הַבָּא בְּזִמְנֵי אֶסִּיפָה – הַכְּתִיב:  
"בְּאֶסְפֶּךָ!"

אָלָא: מֵאֵי אֶסִּיף – קִצְרִי, וְקִים לְהוּ  
לְרַבֵּנּוּ דְכָל תְּבוּאָה שְׁנֵקְצָרָה בְּחַג בִּידוּעַ  
שְׁהִיבָה שְׁלִישׁ לְפָנֵי רֹאשׁ הַשָּׁנָה, וְקָא  
קָרִי לָהּ "בְּצֵאת הַשָּׁנָה".

אָמַר לִיה רַבִּי יְרֵמְיָה לְרַבִּי זֵירָא: וְקִים  
לְהוּ לְרַבֵּנּוּ בֵּין שְׁלִישׁ לְפָחוֹת מִשְׁלִישׁ?  
אָמַר לִיה: לֹא. אֵמִינָא לְךָ לֹא תִפִּיק  
נַפְשְׁךָ לְבַר מֵהַלְכָתָא? כָּל מִדּוֹת חֲכָמִים  
כֵּן הוּא.

אֲרַבְעִים סָאָה הוּא טוֹבֵל בְּאֲרַבְעִים  
סָאָה חֶסֶר קוֹרְטוּב – אֵינּוּ יְכוּל לְטַבּוֹל  
בְּהוּן. כְּבִיבָה – מְטַמָּא טוֹמְאָת אוֹכְלִין,  
כְּבִיבָה חֶסֶר שׁוּמְשׁוּם – אֵינּוּ מְטַמָּא  
טוֹמְאָת אוֹכְלִין.

But perhaps the verse is referring to produce that did not grow at all during the seventh year, and nevertheless, the Merciful One states in the Torah that all the *halakhot* of the Sabbatical Year continue to apply until the festival of *Sukkot* of the eighth year.

The Gemara answers: It should not enter your mind to say this, as it is written: "And the festival of gathering, which is at the end of the year, when you have gathered in your labors out of the field" (Exodus 23:16). What is the meaning of "gathering"? If we say that it means: A Festival that comes at the time of gathering the crops, isn't it already written: "When you have gathered in your labors"? There is no need to repeat this a second time.

Rather, what is meant here by "gathering"? It means harvesting.<sup>N</sup> And the Sages have an accepted tradition that any grain that reaches full growth so that it is harvested on the festival of *Sukkot* is known to have reached one-third of its growth before Rosh HaShana, and the Torah calls that period of the year until *Sukkot* "at the end of the year," thereby indicating that it is still subject to the *halakhot* governing the previous year.

§ Rabbi Yirmeya<sup>p</sup> said to Rabbi Zeira: And are the Sages able to discern<sup>N</sup> precisely between produce that reached one-third of its growth and produce that reached less than one-third of its growth? Rabbi Zeira said to him: Do I not always tell you that you must not take yourself out<sup>N</sup> of the bounds of the *halakha*? All the measures of the Sages are like this; they are precise and exact.

For example, one who immerses himself in a ritual bath containing forty *se'a*<sup>b</sup> of water is rendered pure, but in forty *se'a* less the tiny amount of a *kortov*, he cannot immerse and become pure in them.<sup>h</sup> Similarly, an egg-bulk<sup>b</sup> of impure food can render other food ritually impure,<sup>h</sup> but an egg-bulk less even the tiny amount of a sesame seed does not render food ritually impure.<sup>N</sup>

NOTES

מֵאֵי אֶסִּיף – What is gathering [*asif*], it means harvesting – *Tosafot* note that the plain meaning of the word *asif* is not harvesting but rather gathering, the time when the grain is gathered in from the field several months after the harvest. The derivation here is based not on the literal meaning of the word but on the apparently superfluous use of the term "gathering" in the verse, from which the Gemara derives the additional meaning of harvesting (see *Tosafot Yeshanim* and *Tosefot HaRosh*).

וְקִים לְהוּ לְרַבֵּנּוּ – And are the Sages able to discern – The Ran writes that although it is possible to establish when produce has reached one-third of its growth by weighing it or, according to the Jerusalem Talmud, by placing the seeds in water and seeing whether they sink, Rabbi Yirmeya's question relates to the difficulty of distinguishing when this stage has been reached while the produce is still growing in the field.

לֹא תִפִּיק נַפְשְׁךָ – You must not take yourself out – Rabbi

Zeira's remark hints to Rabbi Yirmeya's tendency to raise questions about borderline issues in *halakha*. He means to say that halakhic measures in general, i.e., the set quantities required by *halakha*, such as the quantity of water required in a ritual bath, the measure for the impurity of foods, etc., are a tradition transmitted to Moses from Sinai and may not be questioned. The Ritva explains that in any case clearly defined measures must be set, and so one may not raise objections from borderline cases, as there is no end to such questions (see *Sefat Emet*).

אֵינּוּ מְטַמָּא טוֹמְאָת אוֹכְלִין – Does not render food ritually impure – Most authorities hold that this is the measure of food that can impart ritual impurity to other non-food items, but even the smallest amount of food can contract ritual impurity from another item. According to one opinion in the *Tosafot*, however, this is also the measure of food that can contract ritual impurity.

PERSONALITIES

Rabbi Yirmeya – רַבִּי יְרֵמְיָה: Rabbi Yirmeya was an *amora* who was born in Babylonia, studied there in his youth, and then moved to Eretz Yisrael. It was only upon his immigration to Eretz Yisrael that he became a prominent scholar. He studied there under the disciples of Rabbi Yohanan, particularly Rabbi Zeira and Rabbi Abbahu.

Rabbi Yirmeya would often question the boundaries of halakhic principles. Due to this he was penalized and even removed from the study hall for a time. He had a sharp tongue, as was

especially evident on the occasions when he referred to the *amora'im* of Babylonia as foolish Babylonians. It should be noted that this criticism was humbly accepted by the Babylonian scholars in question.

Rabbi Yirmeya became one of the greatest Sages of Eretz Yisrael, and his statements are cited in many places in both the Jerusalem and Babylonian Talmuds. In Babylonia, his statements were often preceded by the general phrase for the teachings of scholars from Eretz Yisrael: They say in the West.

HALAKHA

The measure of a ritual bath – שִׁיעוּר מִקְוָה: A ritual bath that is used for purification must contain at least forty *se'a* of water. If it lacks even a tiny amount, immersion in it is not valid (*Shulhan Arukh, Yoreh De'a* 271:1).

An egg-bulk can render other food ritually impure – כְּבִיבָה: Ritually impure food does not impart impurity unless it is the size of an egg-bulk. If it is even a tiny amount less, it does not impart impurity (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 4:1).

BACKGROUND

Forty *se'a* – אֲרַבְעִים סָאָה: Forty *se'a* is the equivalent of eighty *hin* or 5,760 egg-bulks, which is the minimum quantity of water necessary for a ritual bath. The measure of forty *se'a* is the basis of all modern calculations of the various talmudic measures of volume. The Talmud states that the dimensions of a ritual bath must be three cubits by one cubit by one cubit, and that its volume must be forty *se'a*. Therefore, according to the calculation of Rav Hyyim Na'e, a ritual bath must contain 332 ℓ of water. According to the calculations of the Hazon Ish, it must contain 573 ℓ.

An egg-bulk – כְּבִיבָה: The issue of calculating the size of talmudic measures is a complex one. The Talmud utilizes several different systems of measurement. Although it does offer a series of formulas for converting between the systems, these formulas are themselves unclear and frequently appear to contradict one another. Moreover, the systems used in the Torah employ quantities and terms different from those used in the Talmud to describe the same measure. Various units of volume of biblical origin appear in the rabbinic literature with no clear, precise way to convert them to the standard talmudic units. Even within the same system, there are different measures used for dry and liquid volumes.

An additional complicating element is that most, but not all, of the units of volume were proportionally increased at least twice. Consequently, units designated by the same term may have three different sizes, each appropriate to its own period or context.

Volume is frequently measured in wilderness units, employed by the Jews when they were wandering in the wilderness. Later, apparently during the Second Temple period, all units of measurement were increased in size, and these new units were called Jerusalem units. These Jerusalem units were 20 percent larger than the previous wilderness units. Consequently, for example, five *kav* in Jerusalem units equals six *kav* in wilderness units. These units too were changed in the course of time, and yet another system of measurements, Tzippori units, named for the city of the same name, was instituted. The units in this system are 20 percent larger than Jerusalem units.

The measurement of the bulk of an average egg is very important, as it is used as the basis for calculating all other measures, both dry and liquid. The Talmud defines the size of an egg in terms of units of length. The egg used in the wilderness system was calculated to have a volume equal to 2 × 2 × 1.8 fingerbreadths. According to the calculation of Rav Hyyim Na'e, this would give the wilderness egg a volume of 4 × 4 × 3.6 cm = 57.6 cc, whereas according to the calculation of the Hazon Ish, its volume would be 4.8 × 4.8 × 4.32 cm = 99.5 cc. The Jerusalem egg was 20 percent larger than the wilderness egg, equal to 69.1 cc or 119.4 cc, and the Tzippori egg was 20 percent larger than the Jerusalem egg, equal to 82.9 cc or 143.3 cc. None of these measures matches the actual size of the present-day chicken egg, which is about 50 cc. Moreover, the difference between the opinions of the Hazon Ish and Rav Hyyim Na'e is so great that it appears to be irreconcilable. Many modern authorities have grappled with these issues.

**HALAKHA**

A cloth that is susceptible to ritual impurity imparted by treading – בגד המטמא מדרס – A piece of cloth is susceptible to ritual impurity imparted by treading only if it is at least three by three handbreadths in size (Rambam *Sefer Tahara, Hilkhot Kelim* 22:1).

**LANGUAGE**

Hair [*nima*] – נימא: From the Greek νῆμα, *nēma*, meaning thread.

One-sixth [*danka*] – דנקא: The *danka* is a Persian monetary unit that appears in Middle Persian sources as *dāng*. Like the Aramaic *me'a*, it constituted one-sixth of a dinar. The term was also used to indicate one-sixth of anything, as in this passage.

**NOTES**

On the next day after Passover did they eat – ממחרת: See *Tosafot*, who cite the question that Ibn Ezra addressed to Rabbeinu Tam: It seems from the Bible that the word Passover is referring to the fourteenth of Nisan, so that “on the next day after Passover” means the fifteenth and not the sixteenth, the day of the sacrificing of the *omer*. The early authorities write that this may depend on the amoraic dispute in the Jerusalem Talmud (*Halla* 2:1) about the meaning of the phrase “the next day after Passover.” Some understand that this is referring to the day after the Paschal lamb is slaughtered, i.e., the fifteenth of Nisan, while others hold that it is referring to the day after it is eaten, i.e., the sixteenth of Nisan (Ran).

From where did they bring the *omer* offering – מהיכן הקריבו: Many early authorities raise a question here: The Jewish people came from the east bank of the Jordan, which they had already conquered. Why could they not have brought the *omer* from there? Several answers have been suggested: Some propose that since the east bank of the Jordan was conquered only shortly before they entered Eretz Yisrael, the grain that the Jews grew there in that brief time did not suffice even for their animals, and it was certainly finished well before Passover (Rid). Others say that the mitzva is to bring the *omer* offering from standing grain and not from that which had already been harvested (Ritva). Alternatively, the *omer* offering should ideally be brought from grain that is soft and fresh, and grain that is brought from far away is dry (*Meiri*). Or else, ideally, and some say even necessarily, the mitzva is to bring the *omer* offering from the main part of Eretz Yisrael, which does not include the east bank of the Jordan (Ran).

Rather they were able to discern – אלא קים להו: The Ritva writes that Rabbi Yirmeya's conclusion is that the difference between one-third and less than one-third is not an arbitrary determination but is clearly evident in the grain itself. Since it is a natural difference, the Sages were able to make the distinction.

The land of the deer – ארץ צבי: The grain ripened very quickly in Eretz Yisrael, either due to the unique nature of the land or due to miracles that were performed therein (*Meiri*).

שְׁלֹשָׁה עַל שְׁלֹשָׁה מַטְמֵא מִדְרָס, שְׁלֹשָׁה עַל שְׁלֹשָׁה חֶסֶר נִמָּא אַחַת – אִינוּ מַטְמֵא מִדְרָס.

הָדָר אָמַר רַבִּי יִרְמְיָהּ: לֹא־וּ מִלְתָּא הֵיא דְאִמְרֵי. דְּבַעוּ מֵינְיָה חֲבַרְיָא מִרַב כְּהֵנָּא: עוֹמֵר שְׁהֶקְרִיבוּ יִשְׂרָאֵל בְּכַנְסָתָן לְאַרְץ מְהֵיכָן הֶקְרִיבוּהוּ? אִם תֹּאמַר דְּעֵייל בֵּיד גּוֹי – “קְצִירָקָם” אָמַר רַחֲמָנָא, וְלֹא קְצִיר גּוֹי.

מִמָּאי דְאֶקְרִיבוּ? דְלִמָּא לֹא אֶקְרִיבוּ! לֹא סְלָקָא דְעַתָּה, דְכַתְּיב: “וַיֵּאכְלוּ מֵעֵבוֹר הָאָרֶץ מִמַּחֲרֹת הַפֶּסַח” – מִמַּחֲרֹת הַפֶּסַח – אָכּוּל, מֵעֵיקְרָא – לֹא אָכּוּל, דְאֶקְרִיבוּ עוֹמֵר וְהָדָר אָכְּלוּ. מִהֵיכָן הֶקְרִיבוּ?

אָמַר לְהוֹן: כָּל שְׁלֵא הֵבִיא שְׁלִישׁ בֵּיד גּוֹי.

וְדִלְמָא עֵייל וְלֹא קִים לְהוּ? אָלָא: קִים לְהוּ; הֲכָא נִמֵּי: קִים לְהוּ.

וְדִלְמָא לֹא עֵייל כָּלֵל אֲבָל הֵיכָא דְעֵייל רִיבְעָא – בֵּין שְׁלִישׁ לְפָחוֹת מִשְׁלִישׁ לֹא קִים לְהוּ!

לֹא סְלָקָא דְעַתָּה, דְכַתְּיב: “וְהָעֵם עָלוּ מִן הַיַּרְדֵּן בְּעֶשֶׂר לַחֹדֶשׁ” – וְאִי סְלָקָא דְעַתָּה דְלֹא עֵייל כָּלֵל – בְּחַמְשָׁה יוֹמֵי מִי קָא מְלִיאָ?

אָלָא מָאי? דְעֵייל רִבְעָא אוּ דְנִקָּא? אֲבַתֵּי בְּחַמְשָׁה יוֹמֵי מִי קָא מְלִיאָ? אָלָא מָאי אֵית לָךְ לְמִימַר? “אַרְץ צְבִי” כְּתִיב בָּהּ; הֲכָא נִמֵּי “אַרְץ צְבִי” כְּתִיב בָּהּ.

So too, a piece of cloth three by three handbreadths in size is susceptible to ritual impurity imparted by treading,<sup>11</sup> but a piece of cloth three by three handbreadths less one hair [*nima*]<sup>1</sup> is not susceptible to ritual impurity imparted by treading.

Rabbi Yirmeya then said: What I said is nothing, and my question had no basis, as it can be demonstrated that the Sages know how to determine that produce has reached one-third of its growth. As Rav Kahana was once asked by the other colleagues of the academy as follows: With regard to the *omer* offering that the Jewish people brought when they first entered Eretz Yisrael in the days of Joshua, from where did they bring it? If you say that this *omer* offering was brought from grain that grew in the possession of a gentile, there is a difficulty, as the Merciful One states in the Torah: “You shall bring an *omer* of the first fruits of your harvest to the priest” (Leviticus 23:13), from which it can be derived that it must be your harvest, grown in the possession of a Jew, and not the harvest of a gentile.

The Gemara first questions the assumption of Rav Kahana's colleagues: From where is it known that the Jewish people actually brought an *omer* offering that year? Perhaps they did not offer it at all. The Gemara rejects this argument: It should not enter your mind to say this, as it is written: “And they did eat of the produce of the land on the next day after Passover” (Joshua 5:11), which teaches: Only on the next day after Passover did they eat<sup>N</sup> from the new grain, but initially they did not eat from it. Why? It is because they first brought the *omer* offering on the sixteenth of Nisan as is required, and only afterward did they eat from the new grain. Therefore the question remains: From where did they bring the *omer* offering?<sup>N</sup>

Rav Kahana said to them: Anything that came into the possession of a Jew and did not reach one-third of its growth in the possession of a gentile is fit to be harvested for the sake of the *omer* offering.

Rabbi Yirmeya concludes his proof: But there, too, one might ask: Perhaps the grain had in fact already reached one-third of its growth, but they could not discern with certainty between grain that had reached one-third of its growth and grain that had not. Rather, you must say that they were able to discern<sup>N</sup> with certainty. Here, too, you can say that the Sages can discern with certainty between produce that has reached one-third of its growth before Rosh HaShana and produce that has not.

The Gemara asks: This is not absolute proof, as perhaps the Jewish people brought the *omer* offering from grain that did not grow at all before they conquered the land, and the distinction was evident to all. But where produce reached one quarter of its growth, the Sages cannot discern with certainty the difference between one-third and less than one-third.

The Gemara answers: It should not enter your mind to say this, as it is written: “And the people came up from the Jordan on the tenth day of the first month” (Joshua 4:19). And if it enters your mind to say that the grain had not grown at all before the Jewish people entered the land, could it have reached full growth in just five days?

The Gemara rejects this argument: Rather, what can one say? That the grain had reached one quarter or one-sixth [*danka*]<sup>14</sup> of its growth before the Jewish people conquered the land? This too is difficult, as one can still ask: Could the grain have reached full growth in just five days? Rather, what have you to say? One could say that with regard to Eretz Yisrael it is written: “The land of the deer” (Daniel 11:41),<sup>N</sup> implying that the grain of Eretz Yisrael ripens with the swiftness of a deer. Here, too, one can say that “the land of the deer” is written with regard to Eretz Yisrael and applies to the ripening of the grain, so that it can ripen in just a few days.

Cast an axe upon it – שָׂדָא בִּיה נְרָא – The Ritva demonstrates that this phrase does not mean that the entire proof should be rejected, as is evident from its usage in tractate *Sukka* (12a). He explains that Rabbi Zeira did not mean that the difficulty was like the cutting of an axe (*Arukh*), so that it canceled the proof. Rather, he meant to say that he had thought that he had a clear and unchallengeable proof, but Rabbi Hanina came along and cast an axe upon it, showing that his proof was in fact open to refutation.

מִתְקִיף לָהּ רַבִּי חֲנִינָא: וּמִי מְצִית אָמְרָתָּ דְהָאֵי אָסִיף קְצִיר הוּא? וְהַכְּתִיב: “בְּאַסְפֵּךְ מִגֶּרֶן וּמִקֶּבֶךָ”, וְאָמַר מֶרֶ: בְּפִסּוּלֵת גֶּרֶן וְיִקֵּב הַכְּתוּב מְדַבֵּר.

§ Rabbi Hanina strongly objects to the proof brought from the verse in Exodus cited above, which refers to *Sukkot* as the festival of gathering: **How can you say that this “gathering” means harvesting? But isn’t it written:** “You shall observe the festival of *Sukkot* seven days, **after you have gathered in from your threshing floor and from your winepress**” (Deuteronomy 16:13), **and the Master said about this: The verse speaks here of the waste of the threshing floor and the winepress,** which is used to make the roof of the *sukka*. If so, the gathering mentioned with regard to the festival of *Sukkot* is referring not to harvesting but to gathering straw from the threshing floor.

אָמַר רַבִּי זֵירָא: הָא מִלְּתָא הוּאֵי בִידֵן – וְאֵתָא רַבִּי חֲנִינָא שְׂדָא בִּיה נְרָא.

Rabbi Zeira said about this: **This matter was in our hands**, i.e., I thought that we had solid proof that the years for produce follow the first third of its growth, **but Rabbi Hanina came and cast an axe upon it**,<sup>N</sup> cutting it down, as Rabbi Hanina’s objection has totally nullified the proof.

אֵלָא מִנְלָן? כְּדִתְנָא, רַבִּי יוֹנָתָן בֶּן יוֹסֵף אוֹמֵר: “וְעֵשֶׂת אֶת הַתְּבוּאָה לְשָׁלֹשׁ הַשָּׁנִים”

The Gemara asks: **Rather, from where do we derive that the years for produce follow the first third of its growth?** The Gemara answers: **As it is taught in a *baraita* that Rabbi Yonatan ben Yosef says:** “**And it shall bring forth fruit for the three years**” (Leviticus 25:21);

## Perek I

### Daf 13 Amud b

אֵל תִּקְרִי “לְשָׁלֹשׁ” אֵלָא לְשָׁלִישׁ.

**do not read<sup>N</sup> it as “for three [*lishelosh*]” but as: For one-third [*lishelish*].<sup>N</sup>** And learn from here that the year for tithes is determined by the date on which the produce reaches one-third of its growth.

וְהָא מִיבְעֵי לֵיהּ לְגוּפֵיהּ! כְּתִיב קָרָא אַחֲרֵינָא: “וּוֹרְעֵתֶם אֶת הַשָּׁנָה הַשְּׁמִינִית וְאִכְלֵתֶם מִן הַתְּבוּאָה יוֹשֵׁן עַד הַשָּׁנָה הַתְּשִׁיעִית”.

The Gemara raises a difficulty: **But the phrase is necessary for the meaning of the verse itself**, to teach that the sixth year will be blessed so that it yields three years’ worth of produce. The Gemara answers: **It is written in another verse:** “**And you shall sow the eighth year, and eat yet of old produce until the ninth year**” (Leviticus 25:22), so that the latter verse teaches about the three years’ worth of produce, and the first verse is available to derive the *halakha* with regard to one-third growth.

## NOTES

**Do not read – אֵל תִּקְרִי:** The Rambam writes in his Guide for the Perplexed that this exegetical tool is merely a figure of speech, by way of which an accepted tradition is attached to a biblical phrase. However, some later authorities note that in some places the Gemara appears to use this method of interpretation as a full-fledged exegetical device (see *Yad Malakhi* and Rabbi Tzvi Hirsch Chajes).

**But as, for one-third – אֵלָא לְשָׁלִישׁ:** This derivation, which seems to be far from the plain meaning of the verse, has been explained by Rabbeinu Hananel and the Malbim as follows: In the sixth year of the Sabbatical cycle, and all the more so in the forty-eighth year of the Jubilee cycle, they would sow the field not only at the beginning of the year but also a second time near the end of the year. This later crop would reach one-third of its growth before the end of the sixth year. It would then be considered produce of the sixth year and thereby provide additional food to last through the time that the fields were fallow.

**BACKGROUND**

**Poppy [peragin]** – פּרָגִין: According to the tradition of the *ge'onim* and other commentaries, *perag* is the plant referred to today as opium poppy, *Papaver somniferum*. This is an annual plant that reaches a height of 1.5 m and has light green leaves and large flowers of up to 12 cm.

The plant's seed capsules contain small seeds, which are used as a spice and are also pressed for oil. The unripe seed capsules exude a milky liquid, also known as latex, from which opium is derived.

Various species of poppy grow wild, and some of them are used as decorative plants.



Opium poppy



Opium poppy seed capsule with latex

תָּנָן הֵתָם: הָאֹרֶז וְהַדּוּחַן וְהַפְּרָגִין וְהַשּׁוּמְשָׁמִין שֶׁהִשְׁרִישׁוּ לִפְנֵי רֹאשׁ הַשָּׁנָה – מִתְעַשְׂרִין לְשַׁעֲבֵר, וּמוֹתְרִין בְּשָׁבִיעֵית. וְאִם לָאוּ – אֶסְוִרִין בְּשָׁבִיעֵית, וּמִתְעַשְׂרִין לְשָׁנָה הַבָּאָה.

אָמַר רַבָּה, אָמור רַבְנָן: אֵילָן – בְּתַר הַנְּטָה; תְּבוּאָה וְזֵיתִים – בְּתַר שְׁלִישׁ; יָרֵק – בְּתַר לְקִיטָה, הֵינִי כִמְאֵן שׁוֹינָהּ רַבְנָן?

**S** We learned in a mishna there: Rice, millet, poppy,<sup>B</sup> and sesame that took root before Rosh HaShana are tithed in accordance with the outgoing year,<sup>N</sup> meaning that second tithe is set aside in the first, second, fourth, and fifth years of the Sabbatical cycle, and poor man's tithe is set aside in the third and sixth years, and they are permitted even if the following year is a Sabbatical Year. If they did not take root before Rosh HaShana, they are prohibited if it is the Sabbatical Year,<sup>NH</sup> and in ordinary years they are tithed in accordance with the incoming year.<sup>H</sup>

**Rabba said:** Say that the Sages said that the tithe year of a tree follows the time of the formation of its fruit,<sup>H</sup> that of grain and olives follows the time that they reach one-third of their growth,<sup>H</sup> and that of vegetables follows the time of their picking.<sup>H</sup> The question may therefore be raised: With regard to these crops, i.e., rice, millet, poppy, and sesame, to what did the Sages equate them?<sup>N</sup> Their tithe year is determined neither by their formation, nor by the time when they reach one-third of their growth, nor by their picking.

**NOTES**

**Counting of years according to the time of taking root – מִנְּתָן:** In the Jerusalem Talmud two reasons are suggested for counting the year according to the time that the plant takes root: One reason is that which is stated in the Gemara, that they ripen and are gathered over an extended period of time. The other reason is derived from the verses that there should be six years of sowing and gathering, and not six years of sowing and seven years of gathering (see *Torat Kohanim*). The practical difference between these two reasons is whether gathering is permitted in the seventh year if the plants took root before Rosh HaShana. According to the first reason, such gathering is permitted even in the seventh year. According to the second reason, that only six years of gathering are permitted, it is prohibited to gather such plants in the seventh year (see *Korban Aharon*, *Penei Moshe*, and *Penei Yehoshua*).

**Permitted and prohibited in the Sabbatical Year – מוֹתְרִין:** The commentaries disagree with regard to what is permitted and prohibited here. Some hold that the phrase: Permitted in the Sabbatical Year, means that the produce does not have the sanctity of the Sabbatical Year, whereas the phrase: Prohibited in the Sabbatical Year, means that the sanctity of Sabbatical Year produce applies, thereby limiting the ways in which such produce may be used and imposing the obligation of elimination at the appropriate time

(Rashi; Rosh; Rabbi Zerahya HaLevi). Others understand that the prohibition here is due to the prohibition against deriving benefit from plants that grew in the Sabbatical Year without having been planted [*sefihin*]. In that case the term: Permitted, means that they are permitted to be eaten with the sanctity of Sabbatical Year produce, whereas the term: Prohibited, means that they are completely forbidden (Rav Yitzhak ben Malki Tzedek). Rabbi Shlomo Sirilio suggests that the passage may be understood in both ways, referring to the time periods before and after the decree with regard to *sefihin*. The Rambam in his Commentary on the Mishna follows the first explanation, but ultimately he rules in accordance with the second explanation, in accordance with the opinion of Shmuel (see *Sefat Emet*).

**With regard to these, to what did the Sages equate them – הֵינִי כִמְאֵן שׁוֹינָהּ רַבְנָן:** The early authorities disagree about whether Rabba wished to equate rice, millet, poppy, and sesame with vegetables, such that they would follow the time of picking (Rashi; Ran) or to equate them with grain, such that they would follow the time when they reach one-third of their growth (Rabbeinu Hananel; Rabbi Shimshon of Saens; the Jerusalem Talmud; see Rabbi Shlomo Sirilio). Some say that he did not have a specific alternative in mind, but his question was that it could be either to one-third of their growth or to the time of picking (Ra'avad; Rabbi Shimshon of Saens; Ritva).

**HALAKHA**

**Rice, millet, poppy, and sesame in the Sabbatical Year – אֹרֶז:** The status of rice, millet, poppy, sesame, and cowpeas that were planted for their seeds is dependent upon the time of the full ripening of the produce: If they ripened fully before the Sabbatical Year began, they are permitted during the Sabbatical Year, but if they ripened fully during the Sabbatical Year, they are prohibited due to the decree against after-growths [*sefihin*]. The Rambam ruled in accordance with the opinion of Shmuel, as the Gemara's discussion follows his opinion (Radbaz; Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 14:11 and *Kesef Mishne* there).

**Rice, millet, poppy, and sesame with regard to tithes – אֹרֶז:** The obligation to separate tithes from rice, millet, poppy, and sesame is dependent upon the time of the full ripening of the produce: If they ripened fully before Rosh HaShana, they are tithed as produce of the previous year, and if they ripened fully after Rosh HaShana, even if they took root beforehand, they are tithed as produce of the incoming year, in accordance with the opinion of Shmuel (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Shenii* 1:5).

**A tree follows the formation of its fruit – אֵילָן בְּתַר הַנְּטָה:** With regard to both *orla* and tithes, the years of fruit are calculated based on the time of the formation of the fruit. The new year for fruit is the fifteenth of Shevat (Rambam *Sefer Zera'im*, *Hilkhot Bikkurim* 2:7; *Shulhan Arukh*, *Yoreh De'a* 294:4).

**Reaching one-third of their growth – הִבָּאָת שְׁלִישׁ:** The tithe year of grains and olives is dependent on the time that they reach one-third of their growth. If they reach one-third of their growth before Rosh HaShana, they are tithed as produce of the previous year, and if they reach one-third of their growth only after Rosh HaShana, they are tithed as produce of the incoming year (Rambam *Sefer Zera'im*, *Hilkhot Ma'asrot* 2:5).

**Vegetables follow the time of picking – יָרֵק בְּתַר לְקִיטָה:** The tithe year of vegetables is dependent on the time they are picked. If they were picked before Rosh HaShana they are tithed as produce of the previous year, and if they are picked afterward they are tithed as produce of the incoming year (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 5:11).

BACKGROUND

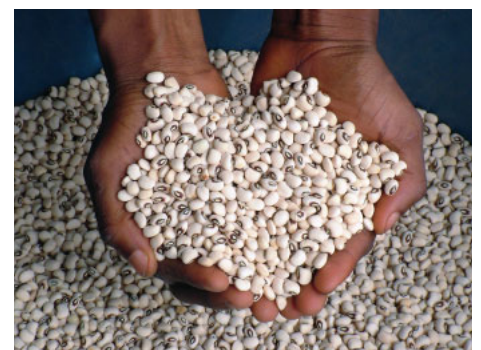
Little by little – פְּרָכִין פְּרָכִין – The crops listed here, which all fall under the halakhic category of legumes [kitniyot], do not ripen all at once. In modern times efforts have been made to develop strains that ripen in a uniform manner, especially in the case of rice and certain types of millet, in order to allow for a mechanized harvest. However, in ancient times it was necessary to repeat the harvest several times, as the seeds ripened over an extended period of time.

Cowpea [pol hamitzri] – פּוֹל הַמִּצְרִי – According to the Jerusalem Talmud, it appears that this plant, whose name in Aramaic literally means Egyptian bean, is *Vigna unguiculata* of the Fabaceae, the pea, family.

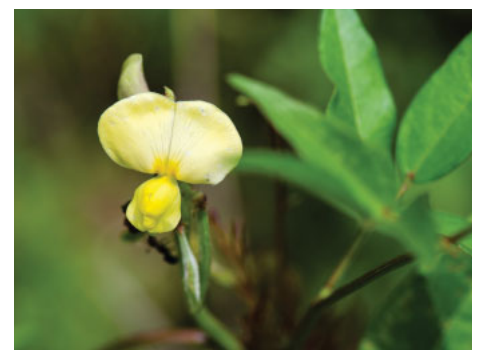
The comments of the Sages suggest that the reference here is to one of the climbing varieties of this plant. The stems climb or spread out a considerable distance. The pods are 7–13 cm long, and the seeds are small. The plant is edible fresh or dry. Today it is grown primarily as animal fodder, but is still consumed by humans in some parts of the world.



Cowpea stalks



Cowpea seeds



Cowpea flower

הָדָר אָמַר רַבָּה: מִתּוֹךְ שְׂעִשׂוּיֵין פְּרָכִין פְּרָכִין – אֲלוּי רִבְנָן בְּתַר הַשְּׂרָפָה.

Rabba then said: The reason for their uniqueness with regard to tithing is that since these crops do not ripen all at once, but rather, they ripen and are gathered little by little<sup>NB</sup> over an extended period of time, if their year were to follow the time of their picking, people might set aside tithes from that which was picked before Rosh HaShana for that which was picked after Rosh HaShana. Therefore, the Sages decreed that their tithe year follows the time of their taking root, which is the same for the entire field.

אָמַר לִיה אֲבִינִי: וַיַּצְבּוֹר גּוֹרְנוֹ לְתוֹכוֹ, וְנִמְצָא תוֹרֵם מִן הַחֲדָשׁ שָׁבוּ עַל הַחֲדָשׁ שָׁבוּ, מִן הַיִּשָּׁן שָׁבוּ עַל הַיִּשָּׁן שָׁבוּ!

Abaye said to him: Why should they have made such a decree? There is a better alternative: Let one pile the entire stock onto his threshing floor,<sup>N</sup> into the middle of it, mix the stock together well, and then set aside *teruma* and tithes, and consequently it will turn out that he has set aside *teruma* and tithes from the new crop in the mixture for the new crop in it, and from the old crop in the mixture for the old crop in it.

מִי לֹא תִנְיָא, רַבִּי יוֹסִי בֶן כִּיפָר אָמַר מִשּׁוּם רַבִּי שְׂמַעוֹן שְׂזוּרִי: פּוֹל הַמִּצְרִי שְׂזָרְעוּ לְדַע, מִקְצָתוֹ הַשְּׂרִישׁ לִפְנֵי רֹאשׁ הַשָּׁנָה וּמִקְצָתוֹ הַשְּׂרִישׁ לְאַחַר רֹאשׁ הַשָּׁנָה – אִין תּוֹרְמִין וּמַעֲשָׂרִין מִזֶּה עַל זֶה, לְפִי שְׂאִין תּוֹרְמִין וּמַעֲשָׂרִין לֹא מִן הַחֲדָשׁ עַל הַיִּשָּׁן וְלֹא מִן הַיִּשָּׁן עַל הַחֲדָשׁ.

Abaye continued: Isn't it taught in a *baraita*: Rabbi Yosei ben Keifar said in the name of Rabbi Shimon Shezuri:<sup>P</sup> If the cowpea plant<sup>HB</sup> was planted for seed, not to be eaten as a vegetable but for the seeds, the beans themselves, either for eating or planting, and some took root already before Rosh HaShana, while some took root only after Rosh HaShana, one may not set aside *teruma* or tithes from this for that, as one may not set aside *teruma* or tithes from the new crop for the old or from the old crop for the new.

NOTES

Little by little – פְּרָכִין פְּרָכִין – Some explain this term as meaning: Furrow by furrow, i.e., these species do not ripen all at once but one furrow at a time, and therefore there is no one time at which they all ripen, although they all take root at the same time (*Arukh*; Rabbeinu Hananel; Ra'avad). Others explain that these species are gathered in small amounts each time (Rashi; *Tosafot*). Some early authorities seem to combine these two interpretations and explain that rice, millet, poppy, and sesame are gathered little by little because they do not ripen all at the same time. In any case, they are not eaten immediately, as vegetables are. Rather, they are set aside until the entire crop is gathered. Therefore, the old and the new produce become intermingled (Ramban; Ran). In the Jerusalem Talmud it is explained that the year for rice and millet is set by the time of taking root, because with any other criterion it would be impossible to know exactly when it becomes liable to be tithed. Some understand that according to the Jerusalem Talmud it is not evident when these species reach one-third of their growth.

extended to apply to the Sabbatical Year, which is by Torah law? Many commentaries follow the first opinion in *Tosafot*, that it is referring here to the Sabbatical Year during exile, which is only by rabbinic decree (Rosh; Ran; Ritva). According to the Ran and one opinion in the Jerusalem Talmud, the *halakha* of taking root is by Torah law and not by rabbinic law. Yet others say that the Sages were given the authority to establish the criteria for determining the year of tithes of the different plants (Ra'avad; Ritva).

*Tosafot* raise a question: The Gemara seems to be saying that determining the year of tithes according to the time of taking root is a rabbinic ordinance that was introduced in order to prevent confusion and error. This ordinance makes sense with regard to tithes, since legumes, in their halakhic definition, are liable to tithes by rabbinic decree, not by Torah law. However, how can this method of determining the year of produce be

Let one pile his threshing floor – וַיַּצְבּוֹר גּוֹרְנוֹ – Some explain this as an objection to using the time of taking root as a definition: Why not pile the threshing floor with the entire stock, mix it well, and then set aside tithes (Rashi; *Tosafot*)? If so, according to the opinion of Rabbi Shimon Shezuri, the question remains. Does he use the time of taking root as the marker for the year in the case of cowpeas, since he holds that the new and old produce will in fact be thoroughly mixed? The commentaries answer that Rabbi Shimon Shezuri himself holds that the time of picking is the defining time. However, he challenges the opinion of the Sages, who follow the time of taking root. According to them, why not pile the threshing floor with the crop, mix it, and then separate tithes (Rabbi Zerahya HaLevi; Ran)? Others explain that this is not a challenge but a practical question: Is there an alternative to using the time of taking root as a marker? Is it sufficient to pile the threshing floor with all the produce and separate tithes and *teruma* (Ra'avad; Ritva)?

PERSONALITIES

Rabbi Shimon Shezuri – רַבִּי שְׂמַעוֹן שְׂזוּרִי – The *tanna* Rabbi Shimon Shezuri lived in the generation following the destruction of the Temple. He seems to have been a disciple of Rabbi Tarfon, but his primary discourse is with the most important disciples of Rabbi Akiva. His opinions are mentioned in the Mishna and in *baraitot*, though there are only a few *tanna'im*

who report traditions in his name. Little is known about his life. The appellation Shezuri has been explained in various ways. Some suggest that it alludes to his occupation, that he was a weaver [*shozer*] of cords or ropes (Rambam's Commentary on the Mishna), or else to the place where he lived, Shezur (*Kaftor VaFerah*).

HALAKHA

Cowpea – פּוֹל הַמִּצְרִי – The Rambam's ruling with regard to the cowpea is in accordance with the Jerusalem Talmud, in which six categories are defined: (1) If the crop was planted for the seeds and it reached one-third of its growth before Rosh HaShana, it is tithed as produce of the previous year. (2) If it was planted for the peas, it is tithed in accordance with the incoming year at the time of picking. The other four

categories concern cases where it was planted for the seeds and then the person changed his mind and wanted the crop for the vegetables, or vice versa, or if the crop was planted for both the seeds and the vegetables. See the Ra'avad, who disagrees with all of the Rambam's rulings, and see also Radbaz (Rambam *Sefer Zera'im*, *Hilkhot Ma'aser Sheni* 1:8–10).

He should pile his threshing floor – צובר גורנו – *Tosafot* ask: How could this suggestion of mixing resolve the difficulty with regard to second tithe and poor man's tithe, as the produce belonging to one year is obligated in second tithe while that belonging to the next year is obligated in poor man's tithe? In the *Tosefta* it is stated that this issue could be resolved by setting aside second tithe and redeeming it, and then setting aside a portion of the redeemed produce for the poor.

Follows the full ripening of the produce – הולך אחר גמר – *פרי*: The early authorities ask: How could Shmuel have issued a ruling that is not in accordance with any of the *tanna'im*? According to Rabbi Zerahya HaLevi, Shmuel ruled in accordance with the opinion of Rabbi Shimon Shezuri. Alternatively, he ruled in accordance with the opinion of Rabbi Shimon (*daf* 14b) that the *halakha* of the Sabbatical Year applies only to produce that was both grown and fully ripened at a time when it became liable to tithing, and therefore Shmuel holds leniently, that the tithe year follows the full ripening of the produce (see *Turei Even*).

בִּיצֵד הוּא עוֹשֶׂה? צוֹבֵר גּוֹרְנוֹ לְתוֹבוֹ, וְנִמְצָא תוֹרֵם וּמַעְשֵׂר מִן הַחֲדָשׁ שָׁבוּ עַל הַחֲדָשׁ שָׁבוּ, וּמִן הַיֵּשֵׁן שָׁבוּ עַל הַיֵּשֵׁן שָׁבוּ.

אָמַר לִיָּהּ: רַבִּי שְׁמַעוֹן שְׁזוּרִי קְאָמַרְתָּ? רַבִּי שְׁמַעוֹן שְׁזוּרִי סִבֵּר: יֵשׁ בִּילָהּ,

וְרַבְנָן סִבֵּרִי: אֵין בִּילָהּ.

אָמַר רַבִּי יִצְחָק בַּר נַחֲמָנִי אָמַר שְׁמוּאֵל: הֲלָכָה כְּרַבִּי יוֹסֵי בֶן כִּיפּוֹר שְׁאָמַר מִשּׁוֹם רַבִּי שְׁמַעוֹן שְׁזוּרִי. מִתְקִיף לֵהּ רַבִּי זֵירָא: וּמִי אָמַר שְׁמוּאֵל הַכִּי? וְהָאָמַר שְׁמוּאֵל: לְכָל אֵין בִּילָהּ חוּץ מִיַּיִן וְשֶׁמֶן!

אֲשַׁתְּמִיטִיתִיהָ הֵא דְאָמַר שְׁמוּאֵל: הַכֹּל הוֹלֵךְ אַחֲרֵי גִמְרַי.

How, then, should one act so that he not err and set aside *teruma* and tithes incorrectly? He should pile the entire stock onto his threshing floor,<sup>N</sup> into the middle of it, mix the stock together well, and then set aside *teruma* and tithes, and consequently it will turn out that he has set aside *teruma* and tithes from the new crop in the mixture for the new crop in it, and from the old crop in the mixture for the old crop in it. Why not do the same for rice, millet, poppy, and sesame?

Rabba said to Abaye: You are speaking of the opinion of Rabbi Shimon Shezuri? You cannot raise an objection from what he says, as Rabbi Shimon Shezuri holds that there is mixing. He assumes that the old and new were thoroughly mixed, so that the *teruma* and tithes set aside from the mixture have the same proportions of old and new crops as did the original crops.

But the Sages hold that there is no mixing; they do not assume that the old and new became thoroughly and evenly mixed. Therefore, piling the entire stock, mixing it together, and then setting aside *teruma* and tithes will not ensure that they are set aside correctly.

Rabbi Yitzhak bar Nahmani said that Shmuel said: The *halakha* is in accordance with the statement of Rabbi Yosei ben Keifar that he said in the name of Rabbi Shimon Shezuri. Rabbi Zeira strongly objects to this: And did Shmuel actually say this? But didn't Shmuel say: There is no mixing for anything except for wine, oil, and other liquids? In the case of liquids he holds that everything is entirely mixed together, but not in the case of solids. How, then, could he have ruled in accordance with the opinion of Rabbi Shimon Shezuri?

The Gemara answers: Rabbi Zeira forgot that which Shmuel said: In all cases, the tithe year follows the time of the full ripening of the produce.<sup>N</sup> Therefore, all of the cowpea seeds may be tithed together, whether the plants from which they grew took root before or after Rosh HaShana. This is not due to Rabbi Shimon Shezuri's rationale that there is mixing, but because all of the beans reach full ripening at the same time, and consequently, they are all considered produce of the incoming year.

## Perek I

### Daf 14 Amud a

#### NOTES

I would have said he holds like the Sages – הוּא אָמֵינָא כְּרַבְנָן – *פרי*: This suggestion is strange; if it were so, Shmuel's opinion would be in accordance with neither the opinion of the Sages nor that of Rabbi Shimon Shezuri. Apparently, he held in accordance with another tannaite source that is no longer extant (*Tosafot Yeshanim; Tosafot*).

וְצָרִיכָא: דְּאֵי אֲשַׁמְעִין הֲלָכָה כְּרַבִּי שְׁמַעוֹן שְׁזוּרִי, הוּא אָמֵינָא מִשּׁוֹם דְּקָסְבַּר יֵשׁ בִּילָהּ. קָא מִשְׁמַע לָן: לְכָל אֵין בִּילָהּ.

The Gemara comments: It is necessary to state all three statements of Shmuel in order to clarify his position, as had Shmuel taught us only that the *halakha* is in accordance with the opinion of Rabbi Shimon Shezuri, I would have said that this is due to the fact that he holds that there is mixing even with regard to solids. Therefore, he teaches us the second statement, that there is no mixing for anything except wine, oil, and other liquids.

וְאֵי אֲשַׁמְעִין לְכָל אֵין בִּילָהּ – הוּא אָמֵינָא כְּרַבְנָן סִבֵּירָא לִיהּ. קָא מִשְׁמַע לָן: הֲלָכָה כְּרַבִּי שְׁמַעוֹן שְׁזוּרִי.

And had Shmuel taught us only that there is no mixing for anything except liquids, I would have said that he holds like the Sages<sup>N</sup> with regard to tithes, that the mixture of cowpeas cannot be tithed together. Therefore, he teaches us that the *halakha* is in accordance with the opinion of Rabbi Shimon Shezuri.

וְאֵי אֲשַׁמְעִין הִנֵּי תַרְתֵּי – הוּא אָמֵינָא: קָשְׁיָא דְשְׁמוּאֵל אֲדָשְׁמוּאֵל. קָא מִשְׁמַע לָן: הַכֹּל הוֹלֵךְ אַחֲרֵי גִמְרַי.

And had Shmuel taught us only these two statements, I would have said in accordance with the opinion of Rabbi Zeira that it is difficult to reconcile one statement of Shmuel with another statement of Shmuel. Therefore, he teaches us that in all cases, the tithe year follows the time of the full ripening of the produce, and it is for this reason that the *halakha* is in accordance with the opinion of Rabbi Shimon Shezuri.