

כָּל דְּבַר שֵׁשׁ לוֹ מִתְּרִין, כְּגוֹן טָבֵל, וּמַעֲשֵׂר שְׁנֵי וְהַקֹּדֶשׁ, וְחֹדֶשׁ – לֹא נִתְּנוּ בָּהֶן חֲכָמִים שְׂעִיר. וְכָל דְּבַר שֵׁאִין לוֹ מִתְּרִין, כְּגוֹן תְּרוּמָה, וּתְרוּמַת מַעֲשֵׂר, וְחֵלֶה, וְעֵרְלָה, וְכֹלֵאֵי הַכֶּסֶם – נִתְּנוּ בָּהֶם חֲכָמִים שְׂעִיר.

אָמְרוּ לוֹ: וְהֵלֵא שְׂבִיעִית אֵין לָהּ מִתְּרִין, וְלֹא נִתְּנוּ בָּהּ חֲכָמִים שְׂעִיר. דְּתַנּוּ: הַשְּׂבִיעִית אוֹסֶרֶת כָּל שְׂהוּא בְּמִינָהּ! אָמַר לָהֶן: אַף אֲנִי לֹא אֶמְרָתִי אֶלָּא לְבִיעוֹר.

For any item that can become permitted,^H i.e., a forbidden object whose prohibition can or will lapse, for example, untithed produce^N that can be permitted through tithing, and second tithe that is permitted through redemption or bringing it to Jerusalem (Deuteronomy 14:24–26), and consecrated items that are also permitted through redemption, and produce of the new crop that is permitted after the sacrifice of the *omer* offering (Leviticus 23:14), the Sages did not determine a measure for their neutralization,^N and no mixture with any quantity of permitted items neutralizes their prohibition. And for any item that cannot become permitted,^H for example, *teruma*, and *teruma* of the tithe, and *halla* (Numbers 15:20–21); fruit of a tree during the first three years after its planting [*orla*]; and forbidden food crops in a vineyard (Deuteronomy 22:9), the Sages determined a measure for their neutralization.

The Rabbis said to Rabbi Shimon: But isn't Sabbatical-Year produce an item that cannot become permitted, and nevertheless, the Sages did not determine a measure for its neutralization, as we learned in a mishna (*Shevi'it* 7:7): The Sabbatical-Year produce prohibits permitted produce of its own species with which it is mixed in any amount.^{NH} Rabbi Shimon said to them: I too said that Sabbatical-Year produce prohibits permitted produce in a mixture and permitted growths that develop from it only with regard to the removal^N of the produce. Sabbatical-Year produce may be eaten only as long as produce of that species remains in the field, after which it must be removed from one's possession. Since it is permitted to eat the produce before that time, its legal status during this period is that of an item that can become permitted.

NOTES

For example, untithed produce – כְּגוֹן טָבֵל: The Gemara in tractate *Avoda Zara* (73b) states another reason why any amount of untithed produce renders the entire mixture forbidden: Its prohibition is parallel to its permission. Just as a single grain separated as *teruma* renders the untithed produce permitted, so too, any amount, even a single grain, of untithed produce renders a mixture forbidden. *Tosafot* ask why the Gemara there fails to cite the reason cited here: That it is an item that can become permitted. They answer that the Gemara there is dealing with untithed produce whose owner traveled overseas, rendering it impossible for another to tithe his produce. Some later commentaries add that the reason cited in tractate *Avoda Zara* applies only to untithed *teruma*, as standard untithed produce requires not only the separation of *teruma* but the separation of tithes and the *teruma* of tithes as well. Since there is a fixed measure for tithes and *teruma* of tithes, the reason that any amount of standard untithed produce renders the entire mixture forbidden is as stated in our Gemara: Because it is an item that can become permitted.

The Sages did not determine a measure for their neutralization – לֹא נִתְּנוּ בָּהֶן חֲכָמִים שְׂעִיר: Most commentaries and authorities hold in accordance with the ruling of the Jerusalem Talmud that this applies only to a prohibited item that was mixed with items of the same type. However, if it was mixed with items of a different type, the prohibition is neutralized in the manner that other prohibitions are neutralized, when the permitted amount obscures the flavor of the prohibited item (see *Tosafot*, Rosh, and Ran).

The Sabbatical-Year produce prohibits permitted produce of its species with which it is mixed in any amount – הַשְּׂבִיעִית אוֹסֶרֶת כָּל שְׂהוּא בְּמִינָהּ: The early commentaries question the relevance of this *halakha* to the discussion in the Gemara, as ostensibly, it is not at all related to the topic of permitted growth neutralizing a prohibition. Some explain that the manner in which to understand the case of a mixture of Sabbatical-Year produce with other produce with regard to the obligation of removal is in terms of growths from Sabbatical-Year produce, e.g., a sixth-year

onion that continued to grow in the Sabbatical Year. In that case, the forbidden Sabbatical-Year growths neutralize the prohibition of the permitted original plant. It is apparent that growths from a plant neutralize the prohibition of the original plant, and the same should be true with regard to the dilemma of Yishmael of Kefar Yamma; the permitted eighth-year growths should neutralize the prohibition of the original Sabbatical-Year plant (Rosh).

The Rashba rejects this proof, as the *halakha* here applies even to minimal growth of forbidden produce. Therefore, it is not that the forbidden produce neutralizes the permitted original plant; rather, it is that the permitted original plant is unable to neutralize the forbidden growths. Therefore, he explains that from the fact that the prohibition of the growths are not neutralized by the original plant, it is apparent that the growths are not considered part of the original plant. One can therefore conclude that if the original plant was forbidden, all the more so is its prohibition not neutralized by permitted growth. According to the Rid, although the *halakha* refers only to a mixture; one can learn from it the *halakha* with regard to growths as well. Rabbi Avraham min HaHar states that from the fact that the Gemara made no distinction between mixtures and growths, apparently one can derive one from the other.

With regard to removal – לְבִיעוֹר: The *halakha* of removal is that one may store Sabbatical-Year produce only as long as produce of that type remains on the trees available to the animals in the field. When produce is no longer available to the animals in the field, one must remove that type of produce from his house, and only then may he benefit from it. According to the Ramban's Commentary on the Torah, removal entails declaring all produce gathered in one's house ownerless and making it available to be eaten by all. Therefore, the status of food that is to undergo removal is that of an item that will become permitted; as one may reclaim it and continue to eat it after it was declared ownerless. According to the Rambam's opinion that removal entails burning and destroying the produce, it must be explained according to the Ran that it can become permitted in the sense that it may be eaten before removal.

HALAKHA

Any item that can become permitted – כָּל דְּבַר שֵׁשׁ לוֹ מִתְּרִין: Any forbidden object whose prohibition can become permitted by means of action or with the passage of time, which enters into a mixture with permitted substances, cannot be neutralized, and even a minimal amount of the forbidden object renders the entire mixture forbidden (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:9–10 and *Sefer Zemanim*, *Hilkhot Yom Tov* 1:20; *Shulhan Arukh*, *Yoreh De'a* 102:1, *Orah Hayyim* 513:1).

Any item that cannot become permitted – לֹא מִתְּרִין: The Sages determined the measure for the neutralization of forbidden substances that cannot become permitted. If the forbidden substances entered into a mixture with permitted substances, neutralization varies based on the prohibition in question, on a scale of a majority of sixty, one hundred, or two hundred times the prohibition (Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:13).

The Sabbatical-Year produce prohibits permitted produce of its own species with which it is mixed in any amount – הַשְּׂבִיעִית אוֹסֶרֶת כָּל שְׂהוּא: If Sabbatical-Year produce was mixed with permitted produce of the same type, even a minimal amount of the forbidden produce renders the entire mixture forbidden. If it was mixed with a different type, the forbidden produce renders the mixture forbidden if it imparts flavor to the mixture. Some say that even a minimal amount of Sabbatical-Year produce renders its own type forbidden in a mixture only after the time of removal (Rabbi Shimshon of Saens; Rambam *Sefer Kedusha*, *Hilkhot Ma'akhalot Assurot* 15:8 and *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 7:22; *Pe'at HaShulhan* 27:22).

HALAKHA

Onions upon which rain fell – **בְּצֵלִים שֶׁיָּרְדוּ עֲלֵיהֶם גְּשָׁמִים** – In a case where rain fell during the Sabbatical Year upon sixth-year onions and they sprouted leaves, if the leaves are light green they are permitted. However, if they are dark green they are prohibited as Sabbatical-Year plants that grew on their own. In both cases, the original onions are permitted (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 4:20).

LANGUAGE

Black [shehorin] – **שְׁחוּרִין**: In the Bible, and all the more so in the parlance of the Sages, black does not always mean black. Rather, just as white is often used to refer to a bright-colored item, black often refers to anything dark, whether it is black, red, or green.

Here too, the black leaves are the darker ones, an indication that they sprouted and draw their sustenance from the ground. In contrast, lighter leaves could indicate that the leaves sprouted from the bulb.

Turned green [horiku] – **הוֹרִיקוּ**: This means that the color is no longer dark green; it is paler and closer to yellow. The Sages often employ the word green to describe what is commonly called yellow.

Crushed [medukhanin] – **מְדוּכָנִין**: The commentaries explain this as a variation of the term mortar, in which items are crushed. There are both linguistic and substantive problems with that interpretation. From the context, apparently the reference is to a horticultural treatment to prevent growth of plants, as was explained according to the variant reading *merukhanin*.

אָבֵל לְאֹכֵלָה – בְּנוֹתֵן טַעַם. וְדִלְמָא הָא נִמְי לְחוּמְרָא שְׂאֵנִי!

אֵלָא מִן הָדָא פְּשֻׁטָה, דְּתַנְּנָן בְּצֵלִים שֶׁיָּרְדוּ עֲלֵיהֶם גְּשָׁמִים וְצִמְחוּ, אִם הָיוּ עֲלֵין שְׁלֵהֶן שְׁחוּרִין – אִסּוּרִין. הוֹרִיקוּ – מוֹתְרִין.

רַבִּי חֲנַנְיָא בֶן אֲנְטִיגוֹנוֹס אוֹמֵר: אִם יְכוּלִין לִיתְלַשׁ בְּעֲלִין שְׁלֵהֶן – אִסּוּרִין. וְכַנְגְדָן לְמוֹצָאֵי שְׁבִיעִית מוֹתְרִין. לְמִימְרָא דְגִידוּלֵי הֵיתֵר מַעֲלִין אֶת הָאִישׁוּר. וְדִלְמָא בְּמְדוּכָנִין!

אֵלָא מִן הָדָא, דְּתַנְּנָא.

However, with regard to the permissibility of eating Sabbatical-Year produce after the time of removal has passed, when eating that produce is prohibited, the Sages determined a measure for their neutralization. The mixture is forbidden only if the measure of that produce is enough to impart flavor to the mixture. Apparently, permitted growths can neutralize the prohibition of the original item. The Gemara rejects the proof: **And perhaps here too, it is different** when the ruling is a stringency.^N In this case, the stringency is that the original item is sacred with the sanctity of the Sabbatical Year. However, here too, there is no proof that the same would be true in cases where the result is a leniency.

Rather, Yishmael of Kefar Yamma resolved his dilemma from this source, as we learned in a mishna (*Shevi'it* 6:3): With regard to sixth-year onions upon which rain fell^{HN} during the Sabbatical Year, and they sprouted, if their leaves were black [*shehorin*],^{NL} i.e., dark green, an indication of fresh, recent growth, the onions are forbidden as Sabbatical-Year growth. If their leaves turned green [*horiku*],^L i.e., lighter and yellower, and appeared withered, the onions are permitted, as they are considered a product of the sixth year.

Rabbi Hanina ben Antigonus says: There is a different indicator; if the plants can be uprooted^N by their leaves, clearly the leaves are fresh and recent, and they are forbidden. And in the parallel situation, if that indicator was discovered in a Sabbatical-Year onion that sprouted at the conclusion of the Sabbatical Year,^N i.e., during the eighth year, the onions are permitted. The Gemara asks: **Is this to say that one may conclude from here that permitted growth neutralizes the prohibition** of the original plant? The Gemara rejects this conclusion: **And perhaps the halakha is with regard to crushed [medukhanin],^L pounded onions,^N and the reason that the prohibition of the original plant is neutralized is not that the permitted growth neutralizes the prohibition, but that it is no longer fit for consumption.**

Rather, the dilemma can be resolved from this source; as it is taught in a *baraita*:

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And perhaps here too, it is different when the ruling is a stringency – וְדִלְמָא הָא נִמְי לְחוּמְרָא שְׂאֵנִי: Didn't the Gemara reject the previous proof in a similar manner? Why, then, cite another proof that can be rejected in the same manner? The Ran answers that in this case, one might have thought that this *halakha* is not a stringency, as there are two stringencies in this *halakha*: First, the stringency that the status of food that is to undergo removal is that of an item that will become permitted, and therefore, the prohibition is not neutralized; and second, the stringency that even minimal growths render the original plant forbidden. Therefore, one might conclude that if the Sages sought merely to be stringent, they would not have instituted two stringencies; one might at least question whether the *halakha* that even minimal growths render the original plant forbidden is a stringency, and contend, rather, that it is part of the fundamental *halakha*.

Onions upon which rain fell – בְּצֵלִים שֶׁיָּרְדוּ עֲלֵיהֶם גְּשָׁמִים: The simple understanding of the Gemara is that it is referring to ripe onions left on the ground for storage purposes. *Tosafot*, however, question that understanding, as there is no precedent for minimal growth rendering the entire plant forbidden. Therefore, they explain, and the Rashba elaborates, that the reference is to a sixth-year onion that one uprooted and replanted during the Sabbatical Year. Since planting it then is prohibited, the Sages penalized him and decreed that even minimal growth renders the entire plant forbidden.

Black – שְׁחוּרִין: Most commentaries understand that black in this context is referring to a dark color. If the leaves are dark green, that is an indication that they are healthy and receive

their nourishment from the ground, and that they are not growths from the onion itself (Rashi; Ran). The Rosh explains that when onions grow, their leaves blacken and spread. Rabbi Yitzhak Tzarfati suggests that the reference is to the thin peel covering a large onion, which begins red and gradually darkens as the onion ripens.

If the plants can be uprooted – אִם יְכוּלִין לִיתְלַשׁ: Most commentaries understand the ruling of Rabbi Hanina ben Antigonus as a stringency, as in his opinion it is not necessary that the leaves turn black in order for it to be considered that the plant grew during the Sabbatical year; rather, it is sufficient if the onion can be uprooted by grasping the leaves, proving that there is a strong connection to the onion itself, and the leaves are not merely a withered growth loosely attached to the plant. Others maintain that Rabbi Hanina does not disagree with the previous indicator. It is merely an additional indicator of the same status.

And in the parallel situation, at the conclusion of the Sabbatical Year – וְכַנְגְדָן לְמוֹצָאֵי שְׁבִיעִית: This is the relevant proof for the issue at hand, as it indicates that the permitted eighth-year growth neutralizes the prohibition of the original Sabbatical-Year plant. The question though, arises: If it was established that minimal forbidden growths prohibit the original permitted plant, it cannot be said that permitted growths will neutralize the prohibition of the forbidden plant only if their volume exceeds the volume of the prohibition. The Rosh concedes that this is not a full-fledged analogy and it means that even minimal forbidden growths render the plant forbidden, while permitted growths neutralize the prohibition only if their

volume exceeds the volume of the prohibition. The Ran explains that earlier in the Gemara it means that the permitted growth neutralizes the prohibition of the minuscule forbidden element intermingled with it. According to the Ran, the prohibition of the original plant is not neutralized; it is only the growths themselves that are rendered permitted. Rabbi Shimshon of Saens in his commentary on the Mishna explains that the reference is to the sixth-year onion mentioned earlier that underwent minimal growth during the Sabbatical Year, which was subsequently uprooted and replanted in the eighth year, and continued to grow. In that case, the permitted growths combine with the permitted original plant to neutralize the prohibited Sabbatical-Year growths (see Rabbi Avraham min HaHar).

With regard to crushed [medukhanin] onions – מְדוּכָנִין: There are different opinions about the meaning of this term. Some explain that he crushed and pounded the original plant, which grew nevertheless. Since the original plant is no longer intact, the growths can neutralize its prohibition (Rashi). The Ran adds that once the plant was crushed the growths are no longer attributable to it. The Rosh explains differently. He maintains that both the original plant and the growths are crushed. Since there is no way to distinguish between them, their legal status is like any other prohibition in a mixture that is neutralized by the permitted majority. Rabbi Avraham min HaHar explains similarly. The Meiri, apparently based on the Jerusalem Talmud, cites a variant reading: *Merukhanin*, bent, instead of *medukhanin*, crushed, meaning that he bent the tops of the onions, thereby indicating that he does not want them to grow.

הַמְנַבֵּשׂ עִם הַבּוֹתֵי בְּחֻסּוֹת – אוֹכֵל מֵהֶן אֲכִילַת עֲרָאִי, וּמַעֲשֵׂהוֹן וְדָאִי.

רַבִּי שִׁמּוֹן בֶּן אֶלְעָזָר אוֹמֵר: אִם יִשְׂרָאֵל חָשׂוּד עַל הַשְּׁבִיעִית – לְמוֹצָאֵי שְׁבִיעִית מוֹתָר. לְמִימְרָא דְגִידוּלֵי הֵייתָר מְעַלִּין אֶת הָאִיסוּר. וְדִלְמָא בְּדַבְרֵי שְׂוֵעוֹ כְּלָהּ! הָא תְּנִינָא: אֵלֹהֵי הֵן חֻסּוֹת – כְּגוֹן הַלּוּף הַשּׁוֹם וְהַבְּצָלִים.

One who weeds *hasayot*^{NL} with a Samaritan^N may eat a casual meal from them^N without tithing, as any untithed produce may be eaten in the framework of a casual meal. And when he completes the labor on the *hasayot*, places them into a pile, and they require tithing, he tithes them as produce that is definitely obligated in tithing, not as doubtfully tithed produce, as the assumption is that the Samaritan did not tithe the *hasayot*.

Rabbi Shimon ben Elazar says: If the *hasayot* belong to a Jew who is suspect about observance of the Sabbatical Year,^N at the conclusion of the Sabbatical Year it is permitted^N to weed with him, as there is no concern that there might be Sabbatical-Year sanctity. The Gemara asks: Is this to say that the permitted growths of the eighth year neutralize the prohibition, and that is why there is no concern about Sabbatical-Year sanctity? The Gemara rejects that inference: And perhaps the *tanna* is speaking with regard to an item whose seeds cease^B after it is sown, whose growths neutralize the original prohibition? The Gemara rejects that possibility: Isn't it taught in a *baraita*: These are *hasayot*, for example, arum,^B garlic, and onions, whose seeds do not cease?

NOTES

Hasayot – חֻסּוֹת: The Gemara explains that *hasayot* are plants with bulbs, or onions. The Meiri explains that *hasayot* are small onions.

One who weeds... with a Samaritan – הַמְנַבֵּשׂ עִם הַבּוֹתֵי: The Ran explains that the precise definition of weeding in this context involves removing unnecessary leaves from the vegetables, and others maintain that it refers to the removal of extraneous plants from the flowerbed. This difference in interpretation is related to certain differences in the discussion in the Gemara. Later the Gemara learns a practical *halakha* from the fact that it is a case involving weeding. *Tosafot* explain that the *baraita* discusses the case of one weeding with a Samaritan because it was rare for Jews and Samaritans to fraternize; therefore, the case of one eating a casual meal from produce belonging to a Samaritan is feasible when the Jew is working for the Samaritan. Several commentaries explain that it is permitted for the one weeding to eat from the crops that he is weeding, as the *halakha* is that a worker may partake of his employer's produce in the course of performing his task. The Rashash rejects that explanation, as it is permitted to eat the produce while working only when performing tasks that constitute the final stages of processing that produce. Other early commentaries explain that the worker is partaking of the produce not based on the fact that this is permitted for a worker; rather, it is the manner in which the owner of the field chose to pay him (Rabbi Avraham min HaHar; Meiri).

May eat a casual meal from them – אוֹכֵל מֵהֶן אֲכִילַת עֲרָאִי: As a rule, it is permitted for one to eat a casual meal from the produce in the field, provided that the produce was not placed in a pile and brought into the house, which are the final stages of its processing and at which point one is required to tithe the produce. The novel element here is that there is no concern that the Samaritan sowed untithed produce that is already obligated in tithes, even though Samaritans were of the opinion that grain sowed in the ground does not require tithing. Since the Sages

ruled that the status of growths of untithed produce parallels that of untithed produce itself, there should be concern that perhaps he is eating untithed produce. There are various explanations why that is not a concern. The Ran explains that it is not a concern since the entire obligation to tithe *hasayot* is by rabbinic law. According to the Rid, the decree that the status of growths of untithed produce parallels that of untithed produce itself applies only to growths of produce that is certainly untithed; in this case there is uncertainty, as the Samaritan might have bought and sown tithed produce.

Some early commentaries cite a variant reading: Gentile, instead of Samaritan. Rabbi Eliezer of Metz explains: The obligation to tithe is established by placing the produce in a pile, and there is no obligation to tithe produce placed in a pile by a gentile. Although the Sages issued a decree that one must tithe the produce of a gentile, they did not apply the decree to casual meals.

Suspect about observance of the Sabbatical Year – חָשׂוּד עַל הַשְּׁבִיעִית: This does not mean that the concern is only that perhaps he will sow the seeds during the Sabbatical Year. Rather, this is the *halakha* even if there is certainty that he did so (Rosh). The term suspect, therefore, is a form of euphemism, and it refers to one who violated this prohibition.

At the conclusion of the Sabbatical Year it is permitted – לְמוֹצָאֵי שְׁבִיעִית מוֹתָר: According to the explanation of the Ran that weeding refers to the removal of extraneous leaves, clearly the volume of the permitted eighth-year leaves exceeds the volume of the forbidden ones, and therefore it is permitted to eat them. In contrast, the Rid explains according to his opinion that the permitted growth neutralizes the prohibition of the original, as, even in a case of uncertainty it would not be permitted, as it is uncertainty involving Torah law. That is not the case with regard to tithes, as the obligation to tithe *hasayot* is by rabbinic law.

LANGUAGE

Hasayot – חֻסּוֹת: This is a general term for plants whose bulbs are eaten, e.g., onions, from the Hebrew root *hasa*, meaning concealed. These plants are cultivated primarily for the parts buried in the ground, not those visible above ground.

BACKGROUND

An item whose seeds cease – דְּבַר שְׂוֵעוֹ כְּלָהּ: Many species of plants, e.g., grains and legumes, most vegetables, and even trees, grow from seeds. In addition to the germ, the seed contains starches and sugars with which the germ is sustained. When the germ begins to sprout, it draws sustenance from its own reserves until it grows roots and draws sustenance from the ground. At that point, the seed withers until it completely decays in the ground. These plants are described as those whose seeds cease. However, there are other species of plants, usually grown from bulbs, e.g., arum and taro in the talmudic era or potatoes, garlic, and onions today, that are also sown in the ground. Although parts of these bulbs decay in the ground after they grow roots and stalks, most of the bulbs remain intact and grow over time, by accumulating additional layers or by developing new bulbs. These plants are described as those whose seeds do not cease. There are other plants that are bulbs where the bulb decays completely before new bulbs sprout.



Development of a bean sprout, whose seed ceases and decays in the ground

Arum – לִיף: This plant is commonly identified as the Palestine arum, *Arum palaestinum*, from the Araceae family. The plant has a bulb in the ground from which large leaves sprout. The arum's inflorescence has a unique structure and is covered with a special type of leaf called a spathe. All parts of the plant contain calcium oxalate, Ca (COO)₂, which is poisonous and causes severe irritation to the skin on contact. Therefore, people refrain from consuming arum in its raw state, and only rarely do animals draw sustenance from it. The bulb and leaves are cooked or roasted to render them edible. The plant grows in the wild in all regions of Eretz Yisrael.

The Sabbatical-Year produce is different, since its prohibition is engendered by means of the ground – שְׁנֵי שָׁבִיעִית הוֹאִיל וְאִיסוּרָה עַל יְדֵי קִרְקַע: If the growth of a Sabbatical-Year onion during the eighth year exceeds its previous size, the entire plant is permitted. Since the prohibition of the Sabbatical Year is engendered by means of the ground, its neutralization is effected by means of the ground as well (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 4:7; 24).

A litra of untithed first tithe – לִיטְרָא מְעֵשֶׁר טָבֵל: If a *litra* of tithe from which *teruma* of the tithe was not separated was sown in the ground, and it sprouted until it reached ten *litra*, one is obligated to tithe it like regular produce. One separates *teruma* of the tithe for the tithed *litra* from some produce in a different place. The Ra'avad states that this *halakha* applies only to items whose seeds do not cease, and the *Kesef Mishne* maintains that this is the ruling of the Rambam as well. The Radbaz, however, maintains that the Rambam disagrees and that this *halakha* applies to all plants (Rambam *Sefer Zera'im, Hilkhot Ma'aser* 6:4).

וְדִלְמָא בְּמִדּוּכְנָן? חֲשׂוֹד עַל הַשְּׁבִיעִית קִרְקַע. וְדִלְמָא בְּתַעְרוּבָתָהּ? הַמְנַבֵּשׁ קִרְקַע.

לִיטְרָא תִּיהוּ הַתִּיבְתִּיָּה דְרַבִּי יוֹחָנָן וְדְרַבִּי יוֹנָתָן? אָמַר רַבִּי יִצְחָק: שְׁנֵי שָׁבִיעִית, הוֹאִיל וְאִיסוּרָה עַל יְדֵי קִרְקַע – בְּטִילְתָּהּ נִמְי עַל יְדֵי קִרְקַע.

הָרִי מְעֵשֶׁר, דְּאִיסוּרוֹ עַל יְדֵי קִרְקַע וְאִין בְּטִילְתּוֹ עַל יְדֵי קִרְקַע. דְּתַנִּיא: לִיטְרָא מְעֵשֶׁר טָבֵל שְׂזָרְעָה בְּקִרְקַע וְהַשְּׁבִיעִיָּה, וְהָרִי הִיא כְּעֵשֶׁר לִיטְרִין – חֲתִיבַת בְּמַעֲשֵׁר וּבְשָׁבִיעִית, וְאוֹתָהּ לִיטְרָא מְעֵשֶׁר עֲלֶיהָ מִמְּקוֹם אֲחֵר לְפִי חֲשָׁבוּן!

The Gemara asks: **And perhaps the *tanna* is speaking with regard to plants that were crushed^N before they sprouted growths?** The Gemara answers: It is the case of one who is **suspect about observance of the Sabbatical Year, that is taught in the *baraita***, and one who is suspect would not bother to eliminate the prohibition by crushing it. The Gemara asks: **And perhaps the *tanna* is speaking with regard to a mixture of forbidden *hasayot* and permitted ones, and the reason that it is permitted is that the prohibition was neutralized by the majority of permitted *hasayot*?** The Gemara answers: **One who weeds, is taught^N in the *baraita***, indicating that he is eating the leaves as he weeds them, leaving no opportunity for the *hasayot* to be mixed with others.

The Gemara suggests: **Let us say that this is a conclusive refutation of the opinions of Rabbi Yohanan and Rabbi Yonatan, who stated regarding *orla* and food crops in a vineyard that their permitted growth does not neutralize the prohibition of the original fruit or food crops respectively. Rabbi Yitzhak said: The Sabbatical-Year produce is different. Since its prohibition is engendered by means of the ground,^{HN} its nullification is effected by means of the ground as well.** The prohibition can be neutralized by means of the growth that results from replanting the forbidden plant in a permitted manner.

The Gemara asks: **Isn't there the case of tithe, whose prohibition is engendered by means of the ground,^N but its nullification is not effected by means of the ground? As it is taught in a *baraita*: With regard to a *litra* of untithed first tithe^H from which the *teruma* of the tithe was not taken, which one sowed in the ground, and it grew and it is now approximately ten *litra*, that additional growth is obligated to have tithe taken^N and is subject to the *halakhot* of Sabbatical-Year produce.^N And with regard to that original *litra* of untithed first tithe that he sowed, one tithes for it from produce in a different place,^N and not from the *litra* itself, based on a calculation of how much *teruma* of the tithe needed to be taken from that *litra*. Apparently, the growth that results from sowing the first tithe in the ground does not neutralize its prohibition.**

NOTES

And perhaps the *tanna* is speaking with regard to plants that were crushed [*medukhanin*] – וְדִלְמָא בְּמִדּוּכְנָן: Most commentaries explain the term *medukhanin* here as it was explained previously: The part of the plant that grew during the Sabbatical Year was crushed. The Gemara responds: Since he is suspect about observance of the Sabbatical Year, he would not take the trouble to mitigate the prohibition. Although there is a principle that one would not forsake permitted food to partake of forbidden food, that applies only where partaking of the permitted food does not require exertion (*Tosafot*; Ran). Rabbi Avraham min HaHar interprets this differently. He maintains that *medukhanin* is from the term *dekhei*, meaning pure. The Gemara explains that this produce is pure in the sense that there is no concern about the Sabbatical Year. The Gemara answers that since the person himself is suspect about observance of the Sabbatical Year, it is unlikely that the seeds are beyond suspicion.

One who weeds is taught – הַמְנַבֵּשׁ קִרְקַע: This indicates that he is eating the produce that he is weeding, and there is no mixture, as he uproots and eats the *hasayot* that began to grow during the Sabbatical Year. The Rashba questions the Gemara's answer, as it could still be explained that there is a mixture of Sabbatical-Year plants and permitted ones. He answers that since he is suspect about observance of the Sabbatical Year, it is likely that the entire plant is Sabbatical-Year produce.

Its prohibition is engendered by means of the ground – וְאִיסוּרָה עַל יְדֵי קִרְקַע: One explanation is that it is the ground that renders Sabbatical-Year produce forbidden, as opposed to *orla*, whose prohibition is engendered by time, or food crops in a vineyard, whose prohibition is engendered by the mixture. Therefore, the neutralization of the prohibition of Sabbatical-Year produce is effected by the ground as well (Rashi; Ran). The

Rid explains differently: During the Sabbatical Year there is a prohibition against working the ground itself, while with regard to *orla* and food crops in a vineyard, the fruit is prohibited. Other early commentaries maintain that the difference between the cases discussed by Rabbi Yohanan and Rabbi Yonatan and this one is that in order to permit *orla* or food crops in a vineyard one must perform an action, e.g., grafting a young vine onto an old one, or uprooting the vineyard, respectively. Otherwise, the prohibition remains intact. It is prohibited to neutralize a prohibition *ab initio*. However, with regard to Sabbatical-Year produce, even if one were to take no action, the permitted eighth-year growths would neutralize the prohibition (*Tosafot*; Rosh; Meiri; see Rashba).

Tithe, whose prohibition is by means of the ground – מְעֵשֶׁר קִרְקַע: The Rid explains that the obligation to tithe is not dependent upon what one sows, as even if he were to sow tithed produce, the moment that it sprouts from the ground there is a renewed obligation to tithe it. Rabbi Yitzhak Tzarfati explains that this refers to the *halakha* that one is not obligated by Torah law to tithe plants that grew in a non-perforated pot; one is obligated to tithe only those plants that grow in the ground, or in a perforated pot.

Obligated to have tithe taken – חֲתִיבַת בְּמַעֲשֶׁר: Some commentaries maintain that one is obligated to tithe the original *litra* and its growths. It is a stricture by rabbinic law. On the other hand, he is also obligated to separate *teruma* of the tithe from the *litra* that he sowed, as its seeds do not cease (Rashi; Rosh). Others say that one is obligated to tithe only the growths; one tithes the nine *litra*, and separates only *teruma* of the tithe from the tenth (*Tosafot Rabbeinu Peretz*).

Is obligated to have tithe taken and is subject to the *halakhot* of Sabbatical-Year produce – חֲתִיבַת בְּמַעֲשֶׁר וּבְשָׁבִיעִית: Accord-

ing to some commentaries, this is referring to two separate *halakhot* that do not take effect simultaneously. It means that during years other than the Sabbatical Year one is obligated to tithe, and during the Sabbatical Year, the *halakhot* of the Sabbatical Year apply (Rosh; *Tosafot Rabbeinu Peretz*). Others maintain that both prohibitions take effect during the Sabbatical Year. For example, if one sowed the plant during the sixth year and it grew during the Sabbatical Year, the ruling is stringent with regard to both *halakhot*; the growths neutralize the prohibition of the original plant in terms of the *halakhot* of the Sabbatical Year, but do not do so in terms of the *halakhot* of tithes (Meiri). The Rashba asks: Since one is obligated with regard to this produce in the *halakhot* of both tithes and the Sabbatical Year, there is no proof that the prohibition of the growths are neutralized, as in the other case the growths neutralize the prohibition of the original plant. Therefore, the Rashba explains that this is not a difficulty, but merely a point of clarification: How is the *baraita* to be understood, as it appears to be self-contradictory with regard to the status of growths?

One tithes for it from produce in a different place – מְעֵשֶׁר עֲלֶיהָ מִמְּקוֹם אֲחֵר: Most commentaries explain that he cannot tithe from the *litra* itself because there is a mixture of the growths and the original plant. The result would be that he is tithing from exempt produce for produce that is obligated (Ran). The Rashba adds that not only may he not separate tithes from this *litra* itself, but he may not do so from the growths either, due to the same concern. Other commentaries maintain that the phrase: From produce in a different place, is imprecise. Since it is prohibited to tithe from the produce of one year for the produce of another year, he must tithe from produce that was obligated in tithes the previous year, as the obligation to separate *teruma* of the tithe from the first *litra* was incurred the previous year (Rashi; Rid).