

בְּיָשׁוּב לֹא עֲבִידָנָא – מִפְּנֵי שִׁינוּי
הַמְּחֻלְקֵת. בְּמִדְבָּר מֵאִי? אָמַר לֵיהּ, הֲכִי
אָמַר רַב אֲמִי: בְּיָשׁוּב – אָסוּר, בְּמִדְבָּר –
מוֹתֵר.

רַב נָתַן בַּר אֲסִיא אָזַל מִבֵּי רַב לְפִימְבִדְתָּא
בְּיוֹם טוֹב שְׁנֵי שָׁל עֲצָרָת, שְׁמִתִּיָּה רַב יוֹסֵף.
אָמַר לֵיהּ אֲבִי: וְלִנְגִידָה מִרְ נְגִידָה! אָמַר
לֵיהּ: עֲדִיפָא עֲבָדֵי לֵיהּ, דְּבַמְעֻרְבָא מִימְנו
אֲנִיגִדָא דְּבַר בֵּי רַב וְלֹא מִימְנו אֲשַׁמְתָּא.

אֵיכָא דְאָמְרִי, נְגִידָה רַב יוֹסֵף. אָמַר לֵיהּ
אֲבִי: נִשְׁמַתִּיָּה מִר, דְּרַב וְשִׁמְוֵאל דְאָמְרִי
תְּרוּוּיָהּ: מְנַדִּין עַל שְׁנֵי יָמִים טוֹבִים שָׁל
גְּלוּת! אָמַר לֵיהּ: הֲנִי מִיָּלִי – אֵינִישׁ
דְּעֻלְמָא, הֲכָא צוּרְבָא מְדַרְבְּנָן הוּא, דְּטָבָא
לֵיהּ עֲבָדֵי. דְּבַמְעֻרְבָא מִימְנו אֲנִיגִדָּא דְּבַר
בֵּי רַב וְלֹא מִימְנו אֲשַׁמְתָּא.

”בְּיוֹצֵא בּוֹ הַמוֹלֵךְ פִּירוֹת שְׁבִיעִית וכו’.”
וְלִית לֵיהּ לְרַבֵּי יְהוּדָה הָא דִתְנִן: נוֹתֵמֵן
עֲלֵיו חוֹמְרֵי הַמְּקוֹם שֶׁנִּצָּא מִשָּׁם וְחוֹמְרֵי
הַמְּקוֹם שֶׁהֵלֵךְ לָשֵׁם?

אָמַר רַב שִׁישְׁא בְּרִיה דְּרַב אִידִי: מִילְתָּא
אֲחֵרִיתִי קָאמַר רַבֵּי יְהוּדָה. וְהֲכִי קָאמַר: אוֹ
מִמְקוֹם שְׁלֹא כְּלוּ לְמִקוֹם שְׁלֹא כְּלוּ, וְשִׁמְעַ
שְׁכָלוּ בְּמִקוֹמוֹ – חַיִּיב לְבַעַר. רַבֵּי יְהוּדָה
אוֹמֵר: יָצָא וְהֵבִיא לָךְ אִף אֲתָה מֵהֵיכָא
דְּאִיִּיתִינְהוּ, וְהָא לֹא כְּלוּ לָהּ.

we do not perform labor in the settled area due to the need to avoid deviation that causes dispute, as it is the custom in the Diaspora to refrain from performance of labor on those days. However, in the desert outside the Jewish community, what is the *halakha*? He said to him that this is what Rav Ami said: In a settled area it is prohibited; in the desert it is permitted.^h

Tangentially, it is reported that Rav Natan bar Asya relied upon his knowledge of the calendar and traveled from Rav’s study hall to Pumbedita^b on the second day of the festival of Assembly, i.e., *Shavuot*, and thereby desecrated the second day of the Festival by traveling beyond the town limits. Rav Yosef excommunicated him as punishment for this act. Abaye said to Rav Yosef: Let the Master flog Rav Natan bar Asya for this grave sin. Rav Yosef said to him: I punished him more severely, as in Eretz Yisrael they vote to flogⁿ a Torah scholar, but do not vote to punish him with excommunication,^h in deference to the Torah. Apparently, excommunication is a more severe punishment than lashes.

Some say: Rav Yosef ordered the court officer to flog him.ⁿ Abaye said to Rav Yosef: Let the Master excommunicate him, as it is Rav and Shmuel who both say that one excommunicates for desecration of the second day of the Festival in the Diaspora.^{nh} Rav Yosef said to him: That applies to an ordinary person. Here, he is a Torah scholar. I did what was best for him, as in Eretz Yisrael they vote to flog a Torah scholar but do not vote to punish him with excommunication. Rav Yosef did not wish to sentence him to so severe a punishment.

We learned in the mishna: Similarly, one who transports Sabbatical Year produce from a place where a crop has ceased in the fields to a place where it has not yet ceased, or from a place where it has not yet ceased to a place where it has already ceased, is obligated to remove the produce from his possession, in accordance with the stringencies of both locations. Rabbi Yehuda says that one need not remove the produce, as he can say to a local resident: You too go out and bring this produce from a place where it remains in the field. Therefore, he may partake of the produce that he brought with him. The Gemara asks: And is Rabbi Yehuda not in agreement with that which we learned in the mishna: The Sages impose upon him the stringencies of both the place from which he left and the stringencies of the place to which he went?

Rav Sheisha, son of Rav Idi, said: Rabbi Yehuda is stating a different matter, and this is what the mishna is saying: Or if one went from a place where a crop has not ceased in the fields to a place where it has also not ceased in the fields, and he heard that it now ceased in the fields in his original location, he is then required to remove the fruits from his possession.ⁿ Rabbi Yehuda says: He need not remove it and can say to the people of his location of origin: You, too, go out and bring these fruits from a place where they remain in the field, as they have not ceased in the fields here, and I may continue eating this produce.

NOTES

They vote to flog – מִימְנו אֲנִיגִדָּא: Some commentaries explain this statement in a different manner. In Eretz Yisrael, the Sages would convene and vote on a case until the majority agreed that a Sage who sinned should be punished with lashes. However, when it was necessary to excommunicate another Sage, it was carried out immediately because this punishment was meted out only for the most serious transgressions (Rabbeinu Hananel; Rif).

The severity of ostracism – חוֹמְרֵי הַנִּידוּי: The Sages in tractate *Moed Katan* note that even though ostracism does not have the same physical effect as lashes, it is still considered a more severe punishment, as it includes elements of both excommunication and curse, even though a person achieves immediate atonement with lashes.

One excommunicates for desecration of the second day of the Festival in the Diaspora – שָׁל גְּלוּת: The severity of this punishment is due to the rabbinic origin of this *halakha*. If it were treated lightly, the populace might eventually abandon it altogether (see Ran).

One who comes from a place where they have ceased must remove – הֵבִיא לְמִקוֹם שְׁכָלוּ מִבַּעַר: There is no concern that this deviation from the local custom will cause conflict, because one who removes the produce declares it ownerless and available for the poor, and there are others who do the same (Maharam Halawa). Some commentaries explain that with regard to an obligation by Torah law, the concern lest it cause dissent is irrelevant (*Tiferet Yisrael*).

HALAKHA

In a settled area it is prohibited, in the desert it is permitted – בְּיָשׁוּב אָסוּר בְּמִדְבָּר מוֹתֵר: Residents of Eretz Yisrael who travel abroad with the intention of returning are required to refrain from violating the laws of the Festival, even in private, when arriving at a Jewish settled area on the second day of the Festival. Since this custom is universally accepted outside Eretz Yisrael, violating the *halakhot* of the Festival in those circumstances is prohibited (*Magen Avraham* based on Rabbi Zerahya HaLevi). Outside a Jewish settled area, the travelers may continue to observe the accepted practice in Eretz Yisrael. However, one who does not intend to return to Eretz Yisrael may not violate the *halakhot* of the Festival on the second day, even when he is outside the settled areas (*Shulhan Arukh, Orah Hayyim* 496:3).

A Torah scholar who has sinned – תְּלִמִיד הֶכֶם – שְׁחָטָא: It is common practice to avoid excommunicating or ostracizing a Torah scholar, even if he performed an action that carries that punishment. Rather, an attempt is undertaken to maintain distance from him. However, if he deserves it, he may be flogged even with rabbinically ordained lashes for rebelliousness. If a Torah scholar sins and corrupts others to sin along with him, he is excommunicated (*Shulhan Arukh, Yoreh De’a* 334:42).

One who displays contempt for the second day of the Festival – הַמְּוֹלֵךְ בְּיוֹם טוֹב שְׁנֵי: One who displays contempt for the second day of the Festival in the Diaspora is punished with ostracism. If he is a Torah scholar, he is flogged instead, in accordance with the second version of the discussion between Abaye and Rav Yosef (*Shulhan Arukh, Orah Hayyim* 496:1).

BACKGROUND

Pumbedita – פּוּמְבִדְתָּא: A city on the Euphrates River, northwest of Neharde’a, Pumbedita was an important center of the Babylonian Jewish community for many generations. As early as the Second Temple period Pumbedita was called: The Diaspora, as it was considered the center of Babylonian Jewry. After the destruction of Neharde’a, some scholars from its yeshiva relocated to Pumbedita, and from then on Torah study continued there without interruption until the end of the geonic period.

The scholars of Pumbedita were particularly famous for their acumen. The most famous heads of the Pumbedita Yeshiva were its founder Rav Yehuda, Rabba, Rav Yosef, Abaye, Rav Nahman bar Yitzhak, Rav Zevid, and Rafram bar Pappa. The Pumbedita Yeshiva was very prominent in the geonic period as well, often overshadowing the yeshiva in Sura. The last heads of the Pumbedita Yeshiva were the renowned *ge’onim* Rav Sherira Gaon and his son, Rav Hai Gaon.

אֶכְלֵן עַל הָרֵאשׁוֹן – One may eat based on the first – Some commentaries explain the dispute between Rabbi Eliezer and Rabbi Yehoshua as follows: Rabbi Eliezer sees all the vegetables as one entity because each vegetable adds flavor to the entire mixture. Therefore, once it is prohibited to eat the first type, the last type is also prohibited. Rabbi Yehoshua uses similar reasoning and reaches the opposite conclusion. Since each type of vegetable contains aspects of the others, it is as though some element of it remains in the field. Consequently, as long as one type remains in the field, one may continue eating the entire mixture on that basis (*Me'iri*).

The opinions of Rabbi Eliezer and Rabbi Yehuda – שיטות רבי אליעזר ורבי יהודה: Several commentaries assert that by Torah law, everyone agrees that it is permitted to eat the type of vegetable that has ceased in the field because several types of vegetables are mixed together. However, it is possible that nevertheless, these vegetables would be prohibited to avoid dispute to prevent deviation from the local custom, as had only one type of vegetable been preserved, it would be prohibited. Indeed, the vegetables remain permitted only when combined with other types of vegetables. This is the basis for the similarity between the tannaitic dispute in this case and the dispute between Rabbi Yehuda and the Rabbis with regard to deviation from local custom.

לְמִימְרָא דְרַבִּי יְהוּדָה לְקוּלָא קְאָמְרָ?
וְהָאֵמֵר רַבִּי אֶלְעָזָר: לֹא אָמַר רַבִּי יְהוּדָה
אֶלָּא לְחוּמְרָא! אֶלָּא אֵיפּוּךְ: אֵינּוּ חֲזִיב
לְבַעַר, רַבִּי יְהוּדָה אָמַר: צָא וְהֵבֵא לְךָ
אֶף אֶתְּהָ מִהֵיכָא דְאֵייתִינְהוּ – וְהָא כְּלוּ
לְהוּ.

אֲבַיֵּי אָמַר: לְעוּלָם כְּדִקְתַּנּוּ, וְהָכִי קְאָמְרָ:
אוּ מִמְקוּם שְׂלָא כְּלוּ לְמִקּוּם שְׂכָלוּ,
וְהַחֲזִירֵן לְמִקּוּמָן וְעַדִּין לֹא כְּלוּ – אֵינּוּ
חֲזִיב לְבַעַר. רַבִּי יְהוּדָה אָמַר: צָא וְהֵבֵא
לְךָ אֶף אֶתְּהָ מִהֵיכָא דְאֵייתִינְהוּ – וְהָא
כְּלוּ לְהוּ.

מִתְקִיף לֵה רַב אֲשִׁי: לְרַבִּי יְהוּדָה, אֲטו
אֲגַבֵּא דְחִמְרָא קְלִטִּינְהוּ? אֶלָּא, אָמַר
רַב אֲשִׁי: בְּפִלּוּגְתָא דְהֵנִי תְנָאִי, דְתַנּוּ:
הַבּוּשׁ שְׂלִשָּׁה כְּבָשִׂין בְּחֻבִּית אַחַת,
רַבִּי אֶלְעָזָר אָמַר: אוֹכְלִין עַל הָרֵאשׁוֹן.

רַבִּי יְהוֹשֻׁעַ אָמַר: אֶף עַל הָאֲחֵרוֹן,
רַבִּן גַּמְלִיאֵל אָמַר: כֹּל שְׂכִלָה מֵינּוּ מִן
הַשְּׂדֵה – יִבְעַר מֵינּוּ מִן הַחֻבִּית, וְהִלְכָה
כְּדַבְרֵי.

רַבִּינָא אָמַר: בְּפִלּוּגְתָא דְהֵנִי תְנָאִי, דְתַנּוּ:
אוֹכְלִין בְּתַמְרִין עַד שְׂכִלָה הָאֲחֵרוֹן
שְׂבָעוּר. רַבִּן שְׂמַעוֹן בֶּן גַּמְלִיאֵל אָמַר:

The Gemara asks: **Is that to say that Rabbi Yehuda is stating his opinion as a leniency in his dispute with the Rabbis? Didn't Rabbi Elazar say: Rabbi Yehuda stated his opinion as a stringency? Rather, reverse the statements in the mishna:** If one travels from a place where a crop has not ceased in the fields to another place where it has not ceased in the fields, and hears that it has ceased in the fields in his original location, **he is not required to remove that produce from his house. Rabbi Yehuda says: You, too, go out and bring these fruits from the place where I brought them, and the crop has ceased in the fields there, and therefore he is required to remove the produce from his house.**

Abaye said: **Actually, maintain the dispute in the mishna as it is taught, and this is what the mishna is saying:** Or, if he brought it from place where it has not ceased in the fields to a place where it has ceased in the fields, and he returned the fruits to their original place where they have still not ceased from the fields, **he is not required to remove the produce. Rabbi Yehuda says: You, too, go out and bring these fruits from the place where I brought them, and hasn't the crop ceased from the fields there? When he brought the produce back, he took it from a location where the fruit had ceased to be available, and he is required to remove it.**

Rav Ashi strongly objects to this: **Is that to say that, according to Rabbi Yehuda, did the back of the donkey absorb these fruits?** In other words, should this fruit be prohibited just because he transported the fruits on a donkey's back through a place where it no longer exists in the field, even though it was neither grown there nor is he eating it there? **Rather, Rav Ashi said:** The dispute between the Rabbis and Rabbi Yehuda is parallel to the dispute of these *tanna'im*, as we learned in a mishna: With regard to one who preserves three types of vegetable preserves in one barrel^h during the Sabbatical Year, **Rabbi Eliezer says: One may eat all three vegetables based on the status of the first.**ⁿ One may eat all three only until the date that the first of those vegetables ceases in the field. Thereafter, he is required to remove all the vegetables because they form a mixture of the prohibited and the permitted.

Rabbi Yehoshua says: One may even continue eating all of them based on the status of the final type of those vegetables, until it is no longer present in the field.ⁿ **Rabban Gamliel says: Any of the vegetables whose type has ceased from the field, he will remove its type from the barrel and it may not be eaten; and the halakha is in accordance with his statement.** The parallels between the dispute in this mishna and the dispute between the Rabbis and Rabbi Yehuda are: The unattributed opinion in the mishna is parallel to the opinion of Rabbi Yehoshua opinion: As long as there is an element of leniency, it is all permitted. Rabbi Yehuda's opinion is parallel to the opinion of Rabbi Eliezer: As long as there is an element of stringency, it is all prohibited (Rabbeinu Hananel).

Ravina said: The dispute between the Rabbis and Rabbi Yehuda is parallel to the dispute of these *tanna'im*, as we learned in a mishna: **One may eat dates in all of Judea until the last palm tree, which produces the latest dates, in Tzoar, has ceased producing dates.**^h **Rabban Shimon ben Gamliel says:**

HALAKHA

שְׂלִשָּׁה – Three types of vegetable preserves in one barrel – שיטות רבי אליעזר ורבי יהודה: If one preserves three types of vegetables in one barrel during the Sabbatical Year, he must remove each kind of vegetable from the barrel once it is no longer present in the field. If one begins removing that type, it is considered completely removed, in accordance with the opinion of Rabban Gamliel as cited in tractate *Shevi'it* in the Jerusalem

Talmud (*Kesef Mishne*; Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:6).

עַד מְתֵי אוֹכְלִים תְּמָרִים – Until when may one eat dates – One may eat dates in Judea until the fruit is no longer present in Tzoar, which is usually close to Purim (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:11).

אֹכְלֵינָם עַל שֶׁל בֵּין הַכִּפּוּיִם, וְאִין אֹכְלֵינָם
עַל שְׂבִינֵי הַשִּׁיזִיּוֹן.

One may continue eating dates based on those that have fallen off the tree and are stuck between the palm branches. But one may not continue eating on the basis of the dates that have fallen between the thorn branches, as animals are unable to reach them there. According to the first *tanna* in the mishna cited, one may continue eating fruit as long as an animal has access to its type, parallel to the opinion of the Rabbis with regard to removal. Rabban Shimon ben Gamliel's opinion is parallel to the opinion of Rabbi Yehuda: If the fruit from a certain place is not available to all, one is required to remove it.

תַּנּוּ הַתָּם: שְׁלֹשׁ אֲרָצוֹת לְבִיעוּר; יְהוּדָה,
וְעֵבֶר הַיַּרְדֵּן, וְגַלִּילָה. וְשְׁלֹשׁ אֲרָצוֹת בְּכָל
אֶחָת וְאֶחָת. וְלָמָּה אָמְרוּ שְׁלֹשׁ אֲרָצוֹת
לְבִיעוּר – שִׂיחֵיו אֹכְלֵינָם בְּכָל אֶחָת
וְאֶחָת עַד שִׂיכְלָהּ הָאֲחֵרוֹן שָׁבָה.

Since the Gemara discussed the point when Sabbatical Year produce must be removed in different places, it cites a mishna from tractate *Shevi'it* that deals with a similar topic. We learned there in a mishna: Eretz Yisrael is divided into three separate lands⁸ with regard to removal,^{9N} Judea, Transjordan, and the Galilee. And there are three lands in each and every one of them: The valley, the mountains, and the plains, in which the *halakhot* of removal differ. And why did the Sages say that there are three lands with regard to removal if those lands themselves are further divided? It is so that people will eat in each and every one until a certain crop ceases from the field in the last of the regions that comprise it. Therefore, even if a certain fruit is no longer available in a particular region within the land, it may still be eaten there as long as it is available in one of the other regions.

מָנָא הֵינִי מִיָּלִיד? אָמַר רַב חֲמָא בְּר
עֻקְבָא אָמַר רַבִּי יוֹסִי בְּר חֲנִינָא:
אָמַר קָרָא "וְלִבְהִמְתַּךְ וְלַחֲיָה אֲשֶׁר
בְּאַרְצֶךָ" כָּל זְמַן שְׂחִיָּה אֹכְלֵת מִן
הַשָּׂדֶה – הָאֵכֵל לְבִהֵמָה שְׂבִיבִית. כָּלָה
לַחֲיָה אֲשֶׁר בַּשָּׂדֶה – כָּלָה לְבִהֲמַתְּךָ
מִן הַבֵּית.

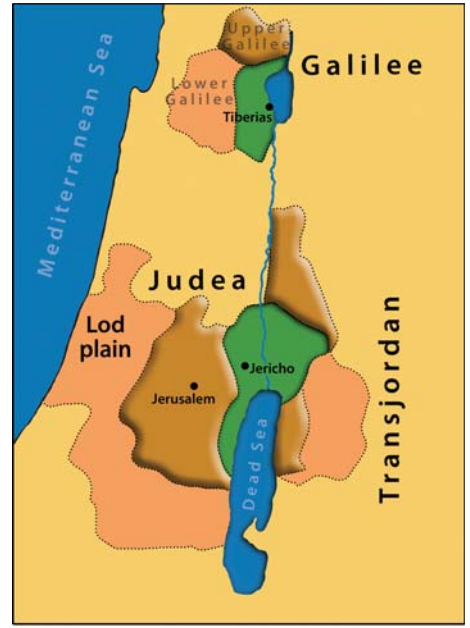
The Gemara asks: From where are these matters derived, that it is permitted to continue eating a type of fruit that has ceased from the fields in a region, as long as it has not ceased elsewhere in the land, but that once it has ceased from the fields in the entire land it is prohibited, despite the fact that it has not ceased from the fields in the other lands? Rav Hama bar Ukva said that Rabbi Yosei bar Hanina said: The verse says with regard to land during the Sabbatical Year: "And for the cattle and the beasts that are in your land, all its produce may be eaten" (Leviticus 25:7), from which it is derived: As long as the undomesticated animals eat a type of produce from the field,¹⁰ one may feed that type to the domesticated animal in his house, as it still remains in the field. Deriving benefit from that type of produce is permitted. However, if that type of produce has ceased for the undomesticated animals in the field, cease providing it to your domesticated animal in the house.

וְגַמְיָרֵי דְאִין חִיָּה שְׂבִיבֵיהוֹן גְּדִילָה
עַל פִּירוֹת שְׂבִיבֵי לֵיל, וְאִין חִיָּה שְׂבִיבֵי לֵיל
גְּדִילָה עַל פִּירוֹת שְׂבִיבֵי הַיּוֹדָה.

And we learned as a tradition that an undomesticated animal in Judea does not develop on the produce of the Galilee, and an undomesticated animal in the Galilee does not develop on the fruits of Judea. In each region there are conditions uniquely suited to the species that live there (*Sefat Emet*). Animals wander from region to region within Judea or within the Galilee in search of food, but they do not stray beyond the borders of the land of their habitat.

BACKGROUND

Three lands – שְׁלֹשׁ אֲרָצוֹת: This map displays the three lands mentioned in the Gemara, and the three regions within each land. The boundaries of each land are described in great detail in the mishna and *Tosefta* of tractate *Shevi'it*. The division into lands dates back to a time when the area between Judea and the Galilee was inhabited primarily by gentiles and Samaritans. Therefore, the Gemara did not discuss the halakhic status of that area.



Map of the three lands and their regions

HALAKHA

Three lands with regard to removal – שְׁלֹשׁ אֲרָצוֹת לְבִיעוּר: Eretz Yisrael is divided into three lands with regard to the removal of produce that grows during the Sabbatical Year: Judea, Transjordan, and the Galilee. As long as a certain species remains in one field in a particular land, one may continue to eat it throughout that land (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:9).

Animals eat from the field – תִּחֵה אֹכְלֵת מִן הַשָּׂדֶה: When a certain type of vegetable or fruit is no longer available for animals to eat in the field, one must remove the fruit from his house (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:1).

NOTES

Removal during the Sabbatical Year – בִּיעוּר הַשְּׂבִיבִיעִית: There are two primary opinions with regard to the requirement to remove produce that grows during the Sabbatical Year. Among those who hold each opinion, there is disagreement with regard to the details. The opinion of Rashi, the Rambam, and the Ra'avad is that removal must be performed after a certain species is no longer found in the field. Removal is performed by destroying the produce that remains in the house, either by

burning it, throwing it into the sea, or the like. According to *Tosafot*, the *Sefer Mitzvot Gadol*, the Ramban, and others, the process entails removing the produce from one's house and then declaring it ownerless. When a given type of produce is no longer in the field, one removes it from his home, and then he declares it ownerless and renders it available to both the poor and the wealthy to eat in the field. According to some authorities, it may be eaten only by the poor.

HALAKHA

Sabbatical Year fruits that left Eretz Yisrael – פירות שביעית – שיצאו מארץ ישראל: If produce that grows in Eretz Yisrael during the Sabbatical Year is taken abroad, it must be removed wherever it is taken. The halakha in this case is not in accordance with the opinion of Rabbi Shimon ben Elazar, as is evident from both the Gemara here and the discussion in the Jerusalem Talmud (Kesef Mishne). In addition, several authorities cite a version of the baraita in which the first opinion is stated in the name of Rabbi Yehuda HaNasi, and the halakha is always ruled in accordance with his opinion (Radbaz; Rambam Sefer Zera'im, Hilkhhot Shemitta VeYovel 7:12).

To eat and not to destroy – לאכלה... ולא להפסד: One may chop down trees during the Sabbatical Year before they have begun to produce fruit. However, it is prohibited to chop them down after they have begun producing fruit (Rambam Sefer Zera'im, Hilkhhot Shemitta VeYovel 5:17).

NOTES

Scrupulous...as Raḥava – דייק... כרחבה: How exactly the example proves Raḥava's scrupulousness is unclear, and various explanations were provided to explain it. Some explain that Raḥava was uncertain whether this halakha was stated by Rav Yehuda or by Rabbi Yehuda, and therefore he taught it in the name of both Sages (Rashi). Others posit that he used a term that encompassed both possibilities by referring to Ravi Yehuda (Rabbeinu Hananel). Yet others explain that Raḥava's scrupulousness is evident in the fact that he transmitted this halakha using the word stav rather than the word itztaba, which is more commonly used in the mishna (Rashi in tractate Berakhot).

LANGUAGE

Colonnade [stav] – סטיו: From the Greek στωά, stoa, meaning a roofed row of columns. Stav refers to a row of columns that are attached to a building. The Gemara is referring to a double stav, two rows of columns.

BACKGROUND

Date covering – מתחל: This term refers to the part of the palm tree that covers the emerging flowers before they grow into fruit, and that protects the smaller fruits. Once the dates have ripened, it serves no purpose. This is an example of a protective covering that is needed for the fruit only during a certain period of its growth.



Palm tree flowers emerging from their protective covering

תנו רבנן: פירות שיצאו מארץ ישראל לחוצה לארץ – מתבערין בכל מקום שהן. רבי שמעון בן אלעזר אומר: יהיו למקומן ויתבערו, משום שנאמר "בארצך", הא אפיקתיה!

קרי ביה "בארץ", "בארצך", אי נמי: "מאשר בארצך".

רב ספרא נפק מארץ ישראל לחוצה לארץ, הוה בהדיה גרבא דחמרא דשביעית. לוו בהדיה רב הונא בריה דרב איקא ורב כהנא. אמר להו: איכא דשמיע ליה מיניה דרבי אבהו הלכה כרבי שמעון בן אלעזר או לא? אמר ליה רב כהנא: הכי אמר רבי אבהו: הלכה כרבי שמעון בן אלעזר. אמר ליה רב הונא בריה דרב איקא, הכי אמר רבי אבהו: אין הלכה כרבי שמעון בן אלעזר.

אמר רב ספרא: נקוט הא כללא דרב הונא בידך, דדייק וגמר שמעתתא מפומיה דרביה כרחבה דפומבידתא. דאמר רחבה אמר רב יהודה: הר הבית סטיו כפול היה, סטיו לפניו מסטיו. קרי עליה רב יוסף: "עמי בעצו ישראל ומקלו יגיד לו" – כל המיקל לו מגיד לו.

רבי אילעאי קץ בפנייתא דשביעית. היכי עביד הכי? "לאכלה" אמר רחמנא, ולא להפסד! וכי תימא: הני מילי – היכא דנחית לפירא, אבל היכא דלא נחית לפירא – לא. והאמר רב נתנן אמר רבה בר אבוה: הני מתחלי דערלה אסורי, הואיל ונעשו שומר לפירי.

The Sages taught: Sabbatical Year fruits that left Eretz Yisrael^h and went to the Diaspora must be removed in any place that they are located. Rabbi Shimon ben Elazar says: That is not so. Rather, the fruits should return to their place of origin in Eretz Yisrael and be removed there. According to his opinion, removal may not be performed outside Eretz Yisrael because it is stated: "In your land," indicating that this activity may be performed only in Eretz Yisrael. The Gemara asks: Didn't you derive from this verse that each of the three lands in Eretz Yisrael has a different halakhic status?

The Gemara answers: Read the phrase as both in the land and in your land. It is possible to derive two halakhot from this verse; one halakha is with regard to Eretz Yisrael in general, i.e., one may not perform removal outside of Eretz Yisrael, the land, and one is with regard to the different lands within Eretz Yisrael, your land. Alternatively, the second halakha can be derived from the extraneous words in the expression: "That are in your land," as the Torah could have sufficed with the phrase: "In your land."

The Gemara relates: Rav Safra left Eretz Yisrael and went to the Diaspora, and he had with him a jug of Sabbatical Year wine. Rav Huna, son of Rav Ika, and Rav Kahana accompanied him. He said to them: Is there anyone who heard from Rabbi Abbahu whether the halakha is in accordance with the opinion of Rabbi Shimon ben Elazar or not? According to his opinion, Rav Safra would be required to return the wine to Eretz Yisrael. Rav Kahana said to him that this is what Rabbi Abbahu said: The halakha is in accordance with the opinion of Rabbi Shimon ben Elazar, and one is required to return and perform removal of the Sabbatical Year produce in Eretz Yisrael. Rav Huna, son of Rav Ika, said that this is what Rabbi Abbahu said: The halakha is not in accordance with the opinion of Rabbi Shimon ben Elazar, and one may perform removal wherever he may be.

Rav Safra said: Take that principle of Rav Huna in your hand, i.e., rely on it, as he is scrupulous and he learned the halakha well from the mouth of its originator, as the Sage Raḥavaⁿ from the city of Pumbedita would do. Raḥava was famous for the precision with which he would transmit material that he learned from his teacher. The Gemara cites an example: Raḥava said that Rav Yehuda said: The Temple Mount was a double colonnade [stav],^l as there was a colonnade within a colonnade there. Here Raḥava used his teacher's language in describing the structure of the Temple and the rows of columns. He did not employ the common term used for a colonnade, itztaba, but rather stav, using the language he heard from his teacher. With regard to the case where Rav Safra relied on Rav Huna's opinion and was lenient, Rav Yosef mockingly read the verse: "My nation ask counsel of their stock, and its staff [maklo] tells to them" (Hosea 4:12) and interpreted it homiletically with regard to Rav Safra: Anyone who is lenient [mekel] tells him the halakha. He listens to the opinion of only the Sage who rules leniently.

The Gemara continues to discuss the halakhot of the Sabbatical Year: Rabbi Elai chopped down a palm tree containing unripe dates of the Sabbatical Year. The Gemara asks: How did he do this? The Merciful One says: "And the Sabbatical produce of the land shall be for you to eat" (Leviticus 25:6), from which it is inferred: To eat and not to destroy.^h It is prohibited to destroy Sabbatical Year produce, and it is permitted only to eat it. And if you say that this restriction applies only in a case where it has reached the status of fruit, but in a case where it has not yet reached the status of fruit, no, it does not apply; didn't Rav Nahman say that Rabba bar Avuh said: Those orla date coverings⁸ are prohibited like other orla fruit, as their legal status is that of food because they became protection for the fruit? They are not considered part of the tree that may be eaten in the orla years.

Grape bud – סְמֵדָר: Grape leaves, stems, and buds are not considered fruit and may be eaten during the first three years after the vine is planted. The prohibitions of *orla* and the restrictions of fourth-year fruit are not in effect with regard to those items that grow on a vine in accordance with the opinion of the Rabbis in their dispute with Rabbi Yosei (Rambam *Sefer Zera'im, Hilkhot Md'aser Shehi* 9:13).

הַחֲרוּבִין – מְשִׁישְׁרָשָׁרוּ: The carob trees from when they form chains of carobs – מְשִׁישְׁרָשָׁרוּ: It is prohibited to chop down a tree during the Sabbatical Year once it is evident that the tree has begun to produce fruit. In carob trees, this occurs once chains of carobs begin to form. Vines reach this stage once they form kernels, and olive trees reach it once they bud. The same *halakha* applies to other fruit trees once they produce unripe fruit (Rambam *Zera'im, Hilkhot Shemitta VeYovel* 5:18).

NOTES

Grape bud is prohibited – סְמֵדָר אָסוּר: One opinion in the Jerusalem Talmud maintains that this *halakha* was stated with regard to a nazirite, who may not eat a bud from a grape vine, since it is also considered to be the fruit of a vine (see Rabbi Shimshon of Saens).

May one no longer chop down trees during the Sabbatical Year – אֵין קוֹצְצִין אֶת הָאֵילָנוֹת בְּשַׁבְּעִית: Although generally it is prohibited to chop down fruit trees due to the prohibition against wanton destruction, it is permitted under certain circumstances. For example, one may chop down a fruit tree if it is not producing sufficient fruit or if the tree's wood is worth more than its fruit. However, during the Sabbatical Year, one may not chop down a fruit tree under any circumstances, because the Sabbatical Year produce is for eating and not for destruction (Rabbeinu Peretz).

בְּדִנְיָהֶן קֶץ – חֲפוּטָה פְּלִיטָה: Chopped down a palm tree with stunted dates – One may not chop down trees with unripe dates during the Sabbatical Year because the fruit will be destroyed. However, if one knows that the unripe fruit will never ripen, he may chop down the trees, in accordance with the Gemara's conclusion concerning the opinion of Rabbi Elai (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 15:18).

One may eat grapes – אוֹכְלִין בְּעֵנְבִים: One may eat dates during the Sabbatical Year until there are none left in the fields of Tzoar, which coincides with Purim. Olives may be eaten until *Shavuot*. Pressed figs may be eaten until Hanukkah. Grapes may be eaten until the Passover after the Sabbatical Year, because the grapes that grow at the beginning of the Sabbatical Year actually are attributed to the sixth year (*Kesef Mishne*), in accordance with the final *baraita* cited in the Gemara (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 7:11).

וְשׁוֹמֵר לְפִירֵי אֵימַת הוּא – בְּכּוֹפְרֵי, וְקָא קְרִי לְהוּ פִירֵי! רַב נַחֲמָן דְּאָמַר: כְּרַבֵּי יוֹסֵי דְתַנְּן, רַבֵּי יוֹסֵי אָמַר: סְמֵדָר אָסוּר מִפְּנֵי שֶׁהוּא פִירֵי. וּפְלִיגֵי רַבְּנָן עֲלֵיהּ.

The Gemara analyzes this: **And when do these coverings serve as protection for the fruit? When the fruit is still young and one nevertheless calls them fruit.** Dates are considered fruit even when they are undeveloped. Just as it is prohibited to eat these dates during the *orla* period, it is similarly prohibited to destroy them during the Sabbatical Year. The Gemara answers: It is Rav Nahman who stated his opinion in accordance with the individual opinion of Rabbi Yosei, contrary to the majority opinion. As we learned in a mishna that Rabbi Yosei says: The grape bud,^H i.e., a cluster of grapes in its earliest stage, immediately after the flowers drop from the vine, is prohibited^N due to *orla* because it is already considered a fruit. However, the Rabbis disagree with him, explaining that fruit at that stage is not considered fruit.

Rav Shimi of Neharde'a strongly objects to this: **Do the Rabbis disagree with Rabbi Yosei with regard to the fruits of all other trees besides grapes, that even in the very first stage of ripening, they are considered fruit? Didn't we learn in a mishna: From when may one no longer chop down trees during the Sabbatical Year,^N as he thereby damages the fruit? Beit Shammai say: In the case of all the trees, from when the blossoms fall and fruit begins to emerge in its earliest stage. And Beit Hillel say: There is a distinction between different types of trees. The carob trees may not be chopped down from when they form chains of carobs;^H and the vines,**

מִתְקִיף לָהּ רַב שִׁמִּי מִנְהַרְדְּעָא: וּמֵי פְלִיגֵי רַבְּנָן עֲלֵיהּ דְּרַבֵּי יוֹסֵי בְּשִׂאָר אֵילָנוֹת? וְהָא תַנְּן: מֵאֵימַתִּי אֵין קוֹצְצִין אֶת הָאֵילָנוֹת בְּשַׁבְּעִית? בֵּית שְׁמַאי אָמְרִים: כָּל הָאֵילָנוֹת מְשִׁישְׁרָשָׁרוּ. וּבֵית הִלֵּל אָמְרִים: הַחֲרוּבִין מְשִׁישְׁרָשָׁרוּ, וְהַגַּפְנִים

Perek IV
Daf 53 Amud a

מְשִׁישְׁרָשָׁרוּ, וְהֵיזְתִים מְשִׁישְׁרָשָׁרוּ, וְשִׂאָר כָּל הָאֵילָנוֹת מְשִׁישְׁרָשָׁרוּ. וְאָמַר רַב אֲסִי: הוּא בּוֹסֵר, הוּא גִירוּעַ, הוּא פּוֹל הֶלְבֵן. פּוֹל הֶלְבֵן סְלֵקָא דְעֵתְךָ?! אֵלָא אֵימַא: שְׁעוּרוּ כְּפּוֹל הֶלְבֵן.

from when the grapes form kernels and grow slightly;^N and olive trees, from when they blossom; and all other trees may not be chopped down from when they produce fruit. And Rav Asi said: It is an unripe grape, it is a grape kernel, it is a white bean, i.e., their legal status is the same. Before this is explained, the Gemara expresses astonishment: **Does it enter your mind that the grape is at any stage a white bean? Rather, say:** The size of an unripe grape is equivalent to the size of a white bean.

וּמֵאֵן שְׁמַעְתָּ לִיהּ דְּאָמַר: בּוֹסֵר – אֵין, סְמֵדָר – לֹא, רַבְּנָן. וְקָתַנְנָי: שִׂאָר כָּל הָאֵילָנוֹת מְשִׁישְׁרָשָׁרוּ. אֵלָא רַבֵּי אִילְעָאֵי בְּדִנְיָהֶן קֶץ

In any case, whom did you hear that said: **An unripe grape, yes, is considered fruit, while a grape bud, no, it is not considered fruit? Wasn't it the Rabbis, who disagree with Rabbi Yosei? And it is taught that, according to the Rabbis, it is prohibited to chop down all other trees from when they produce fruit.** This indicates that unripe dates have the same status as ordinary dates. Rather, the Gemara retracts its previous answer and explains that Rabbi Elai chopped down a palm tree with stunted dates,^H which never ripen on the tree. It was permitted to chop down the tree because the dates can be ripened only after they are removed from the tree.

תַּנּוּ רַבְּנָן: אוֹכְלִין בְּעֵנְבִים עַד שְׁיִכְלוּ דְלִית שְׁלֵ אֹכֵל, אִם יֵשׁ מְאוּחָרוֹת מִהֶן – אוֹכְלִין עֲלֵיהֶן.

The Sages taught: One may eat grapes^H during the Sabbatical Year until the grapes on the vine branches in the place called Okhel have ceased. And if there are grapes elsewhere later than those, one may continue eating grapes on their basis, as the Sages' statement is merely based on the assumption that the grapes in Okhel are the last to remain in the field, but the *halakha* is not specific to them.

NOTES

מְשִׁישְׁרָשָׁרוּ הַגַּפְנִים: From when the grapes form kernels – This measurement criterion refers to a certain size grape. Some commentaries explain that the minimum measure is reached when the grape is large enough that the seed can be seen through the grape (*Arukh*; Rambam). Other

commentaries assert, based on the Jerusalem Talmud, that the liquid should be detectable inside the grape, as the verse states: "For He draws away the drops of water" (Job 36:27; see Rabbeinu Hananel and Rabbi Shimshon of Saens).