

ושומר לפירי אימת הוה – בכופרי, וקא קרי להו פירי! רב נחמן דאמר: כרבי יוסי דתנן, רבי יוסי אומר: סמדר אסור מפני שהוא פירי, ופליגי רבנן עליה.

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.

מתקיף לה רב שימי מנהרדעא: ומי פליגי רבנן עליה דרבי יוסי בשאר אילנות? והא תנן: מיאימתי אין קוצצין את האילנות בשביעית? בית שמאי אומרים: כל האילנות משויציאו. ובית הלל אומרים: החרובין משוישרשו, והגפנים

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,**

NOTES

Grape bud is prohibited – סמדר אסור – 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 – אין קוצצין את האילנות בשביעית – 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).

Perek IV
Daf 53 Amud a

משגריעו, והיתים משויניצו, ושאר כל האילנות משויציאו. ואמר רב אסי: הוא בוסר, הוא גירוע, הוא פול הלבן. פול הלבן סלקא דעתך?! אלא אימא: שיעורו כפול הלבן.

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.

ומאן שמעת ליה דאמר: בוסר – אין, סמדר – לא, רבנן. וקתני: שאר כל האילנות משויציאו. אלא רבי אילעאי בדניסחתי קץ

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.**

תנו רבנן: אוכלין בענבים עד שיכלו דליות של אוכל, אם יש מאוחרות מהן – אוכלין עליהן.

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

משגריעו הגפנים – 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).

Chopped down a palm tree with stunted dates – בדניסחתי קץ – 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 – אוכלין בענבים – 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).

BACKGROUND

Gush Ḥalav – גוש חלב: The places mentioned in this context are where the fruits of each species would usually ripen last.



Places in which fruits ripened last

NOTES

A good sign for mountains is gallnut oaks – סימן להרים מילין: Some commentaries understand that this sign indicates where mountain plants will be successful, as these trees do not thrive in a valley (Rav Ya'akov Emden; Rashash).

אֹכְלִים בְּיָתֵים עַד שִׁכְלָה אַחְרוֹן שְׁבִתְקוּעַ, רַבִּי אֱלִיעֶזֶר אָמַר: עַד שִׁכְלָה אַחְרוֹן שֶׁל גּוֹשׁ חֶלֶב, כְּדִי שְׂיֵהָא עִמּוֹ יוֹצֵא וְאִינוּ מוֹצֵא לֹא בְּנוֹפוּ וְלֹא בְּעִקְרוֹ רוֹבְעַ. אֹכְלִין בְּגִזְרוֹת עַד שִׁכְלָה פְּגִי בֵּית הַיְנִי.

אָמַר רַבִּי יְהוּדָה: לֹא הוֹכְרוּ פְּגִי בֵּית הַיְנִי אֶלָּא לְעִנּוּן מַעֲשֵׂר, (דְּתַנּוּ) פְּגִי בֵּית הַיְנִי וְאֵהֵי דְטוֹבִינָא – חֵיבִין בְּמַעֲשֵׂר.

אֹכְלִין בְּתַמְרִים עַד שִׁכְלָה הָאַחְרוֹן שְׁבִצוּעַר. רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אָמַר: אֹכְלִין עַל שֶׁל בֵּין הַכִּפּוּי, וְאִין אֹכְלִין עַל שֶׁל בֵּין הַשִּׁיִּצִין.

וְרַמְיָהוּ: אֹכְלִין בְּעֵנָבִים עַד הַפֶּסַח, בְּיָתֵים עַד הַעֲצָרָת, בְּגִזְרוֹת עַד הַחֲנוּכָה, בְּתַמְרִים עַד הַפּוּרִים. וְאָמַר רַב בִּיבִי: רַבִּי יוֹחָנָן תַּרְתִּי בְּתַרְיִתָא מַחְלִיף! אִידִי וְאִידִי חַד שִׁיעוּרָא הוּא. וְאִי בְּעֵית אִימָא: הָא קָתַנּוּ בְּהִדְיָא: אִם יֵשׁ מְאוּחְרוֹת מִהֶן – אֹכְלִין עֲלֵיהֶן.

תַּנְיָא, רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אָמַר: סִימָן לְהָרִים – מִילִין, סִימָן לְעִמְקִים – דְּקָלִים, סִימָן לְנַחְלִים – קָנִים, סִימָן לְשִׁפְלָה – שְׁקָמָה. וְאִף עַל פִּי שְׂאִין רְאִיָה לְדָבָר – זְכָר לְדָבָר, שְׁנַאמַר: "וַיִּתֵּן הַמֶּלֶךְ אֶת הַכֶּסֶף בִּירוּשָׁלַיִם כְּאֲבָנִים וְאֶת הָאֲרָזִים נָתַן כְּשִׁקְמִים אֲשֶׁר בְּשִׁפְלָה לְרוֹב".

Similarly, one may eat olives until the final olives have ceased on the trees in Tekoa. Rabbi Eliezer says: One may eat olives until the final olives have ceased on the trees in Gush Ḥalav.⁸ At what point is the fruit considered to have ceased? At the point that a poor person will go out to search for fruit and find, neither in the tree's branches nor in the proximity of its trunk, a quarter-kav of olives that have fallen. One may eat dried figs until the unripe figs of Beit Hini have ceased.

Rabbi Yehuda said: The unripe figs of Beit Hini were mentioned only with regard to tithes, not with regard to the Sabbatical Year. As we learned in a mishna: The unripe figs of Beit Hini and the dates of Tovyana, both of which never completely ripen but are nonetheless edible, one is obligated to tithe them.

We learned in the mishna: One may eat dates in all of Judea until the last palm tree in Tzoar has ceased producing dates. Rabban Shimon ben Gamliel says: One may continue eating dates based on those between the palm branches; but one may not continue eating on the basis of those between the thorn branches.

And the Gemara raises a contradiction from that which was taught in a different baraita: One may eat from the grapes until Passover; from the olives, until the festival of Assembly, i.e., Shavuot; from the dried figs, until Hanukkah; and from the dates, until Purim. And Rav Beivai said: Rabbi Yoḥanan transposes the last two. According to his version of the baraita, one may eat dried figs until Purim and dates until Hanukkah. This is inconsistent with the previous statement that dates may be eaten until those in Tzoar have ceased. The Gemara resolves this contradiction: Both this time and that time are one period. The first Sage designated the deadline in terms of the place where dates grow, and Rabban Shimon ben Gamliel designated the deadline in terms of the dates. And if you wish, say instead that it is taught explicitly: And if there are fruits elsewhere later than those, one may continue eating on their basis. This indicates that the places and the times mentioned are merely indicators, but that the prohibition depends on actual conditions in the field.

The Gemara continues: It was taught in a baraita that Rabban Shimon ben Gamliel says: A good sign for mountains is that gallnut oaks,⁹ used in the preparation of ink, grow there. A good sign for valleys is palm trees. A good sign for streams is reeds. A good sign for the plain is a sycamore tree. And although there is no proof for these indicators, there is an allusion to the matter in the verse, as it is stated: "And the king made silver to be in Jerusalem like stones, and he made cedars to be as the sycamore trees in the plain" (1 Kings 10:27).

BACKGROUND

Gallnut oaks [millin] – מילין: The millin tree and its fruit are the Quercus boissieri Reut, from the oak family, Q. infectoria. This tall, deciduous tree can reach a height of 10 m. Its long flat leaves, about 3.5 cm in length, have a gray or green outer rim. Its fruit, known as acorns, are 1.5–3 cm in size. These trees are affected by gall wasps, which cause the formation of galls, a natural source of tannin that is used in the production of ink and leather. These trees grow in copses, most often in high mountains.



Oak tree in the Golan Heights



Oak galls



Acorns



Cross section of an oak gall with gall wasp larvae

לְשֵׁם מַה הַסִּימָנִים – What purpose is served by these signs – The commentaries explain that these signs are meant to distinguish between the three different areas within each of the three regions of Judea, the Galilee, and Transjordan. The attempt to provide additional explanations is according to those authorities who claim that the three areas exist only in Judea (*Tosefot Rid*).

First fruits – בְּכוֹרִים: The first fruits of the new harvest were given to the priests (Deuteronomy 26:1–11). When the Temple stood, a farmer would select the first fruits of the seven types of fruit with which Eretz Yisrael is specially favored (Deuteronomy 8:8). By rabbinic decree, at least one-sixtieth of the harvest was to be brought as first fruits. The farmer would bring these fruits to the Temple in a basket, place them before the altar, and recite prayers of appreciation to God. Afterward, the fruit was given to the priests and eaten under the same provisions that govern *teruma*. The first fruits were brought to the Temple between the festivals of *Shavuot* and *Sukkot*. If they were not brought within this period, an extension was granted until Hanukkah. An entire tractate, *Bikkurim*, is devoted to the laws and practices governing this mitzva.

First fruits only from the seven species – בְּכוֹרִים מִשִּׁבְעַת: This *halakha* is derived from the verse: “And you shall take of the first of all the fruit of the ground” (Deuteronomy 26:2). Since the word first is used in relation to the land, the first fruits are brought only from the seven species for which Eretz Yisrael is praised (*Menahot* 84b).

Selling small livestock – מְכִירַת בְּהֵמָה דְקָה: Several reasons are provided as to why this sale is prohibited. According to one opinion in the Gemara, gentiles might engage in bestiality, and one is prohibited from assisting them in performing that prohibited act. Assistance of that kind violates the prohibition: “Nor put a stumbling-block before the blind” (Leviticus 19:14). In the Jerusalem Talmud, it is taught that the sale would exempt the animal from several mitzvot, including the giving of the first shearing, the first born, and priestly gifts. Other commentaries explain that the concern is that the animals will be sacrificed to idolatry (Rav Natan, *Av HaYeshiva*; see Rashi).

Selling a horse – מְכִירַת סוּס: Selling a horse to a gentile is permitted, because horses do not perform labor prohibited by Torah law. It is the Sages who issued a decree to prohibit riding a horse on Shabbat, lest one come to use horses that are used exclusively for carrying a burden (*Tosafot*).

A place where people were accustomed to eat roasted meat – מְקוֹם שֶׁנֶּהֱגוּ לֶאֱכוֹל צְלִי: The custom to eat roasted meat is in commemoration of the Paschal lamb (*Nimmukei Yosef*).

סימן לְהָרִים – מִיָּלִין, סימן לְעֵמְקִים – דְּקָלִים. נִפְקָא מִיָּנָה לְבְכוֹרִים, דְּתַנּוּ: אִין מְבִיאִין בְּכוֹרִים אֶלָּא מִשְׁבַּעַת הַמִּינִין, וְלֹא מִדְּקָלִים שְׁבַעֲהֵרִים וְלֹא מִפְּרִוֹת שְׁבַעֲמֵקִים.

The Gemara elaborates on this *Tosefta*: A good sign for mountains is gallnut oaks, a good sign for valleys is palm trees. What purpose is served by these signs?^N The practical difference of these signs pertains to the *halakha* of first fruits.^{NH} As we learned in a mishna: **One may bring first fruits only from the seven species^{NH}** and only from the highest quality fruit. Therefore, one may not bring first fruits from palm trees that grow in the mountains. Since the mountains are not a suitable location for palm trees, the dates grown there are inferior. Similarly, one does not bring first fruits from fruits that grow on palm trees in the valleys, because mountain fruits do not grow there properly.

סימן לְנַחְלֵי קָנִים – נִפְקָא מִיָּנָה לְנַחַל אֵיתָן. סימן לְשַׁפְּלָה שְׁקֵמָה – נִפְקָא מִיָּנָה לְמִקְחָ וּמִמְכָּר. הַשְּׁתָּא דְאֵיתָתִי לְהָכִי – בּוֹלְהוּ נְמִי לְמִקְחָ וּמִמְכָּר.

A good sign for streams is reeds. The case where this sign makes a practical halakhic difference is with regard to the rough dried-up stream mentioned in the Torah. When a corpse is found between two towns and the murderer cannot be identified, the Torah states that a calf's neck is broken in a rough stream. The *baraita* teaches that growing reeds identify the spot as a stream. A good sign for the plain is a sycamore tree. The Gemara explains that the case where this sign makes a practical difference is with regard to buying and selling. If one stipulates that he is buying land in the plains, it is defined as an area where sycamore trees grow. The Gemara notes: **Now that you have arrived at this practical halakhic difference with regard to assessing the quality of land for the purpose of transactions, all the signs can be understood as pertaining to buying and selling as well, to identify valleys and mountainous regions.**

מתני' מְקוֹם שֶׁנֶּהֱגוּ לְמַכּוֹר בְּהֵמָה דְקָה לְגוּזִים – מוֹכְרִין מְקוֹם שְׁלֵא נֶהֱגוּ לְמַכּוֹר – אִין מוֹכְרִין. וּבְכָל מְקוֹם אִין מוֹכְרִין לְהֵם בְּהֵמָה גְּסָה, עֲגָלִים וְסִיחִין שְׁלֵמִין וְשְׁבוּרִין. רַבִּי יְהוּדָה מְתִיר בְּשְׁבוּרָה. בְּן בְּתִירָא מְתִיר בְּסוּס.

MISHNA Apropos different local customs discussed in the first mishna in this chapter, this mishna discusses various *halakhot* with regard to which there are different customs. In a place where the people were accustomed to sell small livestock to gentiles, one may sell them. In a place where the people were not accustomed to sell them due to certain concerns and decrees, one may not sell them. However, in every place, one may sell to gentiles neither large livestock,^H e.g., cows and camels, nor calves or foals,^{NH} whether these animals are whole or damaged. The Sages prohibited those sales due to the concern lest the transaction be voided or one side reconsider, creating retroactively a situation where a Jew's animal performed labor for the gentile on Shabbat in violation of an explicit Torah prohibition. **Rabbi Yehuda permits the sale of a damaged animal because it is incapable of performing labor. Ben Beteira permits the sale of a horse^N for riding, because riding a horse on Shabbat is not prohibited by Torah law.**

מְקוֹם שֶׁנֶּהֱגוּ לֶאֱכוֹל צְלִי בְּלֵילֵי פְסָחִים – אוֹכְלִין מְקוֹם שֶׁנֶּהֱגוּ שְׁלֵא לֶאֱכוֹל – אִין אוֹכְלִין.

The mishna cites another custom related to Passover. In a place where people were accustomed to eat roasted meat^N on Passover evenings,^H outside of Jerusalem or after the Temple was destroyed, one may eat it. In a place where people were accustomed not to eat outside Jerusalem, one may not eat it.

HALAKHA

From what are first fruits brought – מִמָּה מְבִיאִים בְּכוֹרִים – First fruits are brought only from the seven species for which the Land of Israel is praised. However, first fruits may not be brought from dates grown in the mountains or from fruit grown in the valley that are of inferior quality. Even if one brings those fruits to Jerusalem as first fruits, they do not become consecrated (Rambam *Sefer Zera'im, Hilkhot Bikkurim* 2:2–3).

Selling large livestock to gentiles – מְכִירַת בְּהֵמָה גְּסָה לְגוּזִים – The Sages prohibit selling large animals to gentiles due to the concern that a Jew's animal might perform labor on

Shabbat. It is permitted to sell the animal through an intermediary, since the concern with regard to desecrating Shabbat no longer exists. A large animal that has been set aside for slaughter may be sold, but the seller must stipulate that the gentile slaughter it immediately. This *halakha* is in accordance with the opinion of Rabbi Yehuda in his dispute with Rabbi Meir (*Maggid Mishne*). One may sell a horse, in accordance with the ruling of ben Beteira (*Shulhan Arukh, Yoreh De'a* 151:4).

Selling small livestock – מְכִירַת בְּהֵמָה דְקָה: The matter of selling small animals, which do not perform labor, to gentiles, depends

on local custom. If there is a custom to sell them it is permitted; otherwise it is prohibited (*Shulhan Arukh, Yoreh De'a* 151:4).

Eating roasted meat on Passover evenings – אֲכִילַת צְלִי בְּלֵילֵי פְסָחִים: In a place where people are accustomed to eat roasted meat on the first night of Passover, they may observe their custom. However, if the custom is to refrain from doing so, one may not eat roasted meat prepared on the first night of Passover. It is the Ashkenazic custom to refrain from eating roasted meat, and some authorities prohibit even roasted chicken. All authorities agree that eating roasted goat to commemorate the Paschal lamb is prohibited (*Shulhan Arukh, Orach Hayyim* 476:1).

This meat is for Passover – בָּשָׂר זֶה לְפֶסַח הוּא – One should not say: This meat is for Passover, lest he appear to be consecrating the animal as the Paschal lamb. One may also not say that statement about animals unsuited for the Paschal offering, lest it sound as though he consecrated them and is benefitting from Temple property. However, one may say: This wheat is for Passover, because it is obvious that the speaker intends to prevent the wheat from becoming leavened. If one made a statement about a goat or a ram even on the day before Passover, the animal may be eaten after the fact (*Taz; Shulhan Arukh, Orah Hayyim 469:1*).

LANGUAGE

Theodosius [Todos] – תודוס: Apparently an abridged version of the Greek name Theodoros. The Hebrew equivalent of this name is Matityahu, meaning gift of God.

Roasted [mekulas] – מְקוּלָּם: Some commentaries say that the origin of this word is the Latin word galea, meaning helmet or headgear used during war. Others say it is derived from the Greek word, κωνος, *konos*, referring to the cone of the helmet.

NOTES

Instituted the custom for the Roman Jews – הִנְהִיג אֶת בְּנֵי רוֹמִי – Some commentaries explain that the Sages sought to excommunicate Theodosius because he instructed the Jews in Rome, who were not Torah scholars, to do so. Due to their ignorance, they were liable to err. Several Rabbis ruled that it is permitted to roast a kid whole on Passover (*Beitza 22b; Maharam Halawa*).

Perek IV
Daf 53 Amud b

גַּמְי' אָמַר רַב יְהוּדָה אָמַר רַב: אֲסוּר לֹא לְאָדָם שְׂוֵאֲמֵר "בָּשָׂר זֶה לְפֶסַח הוּא" – מִפְּנֵי שְׁנֵרְאָה כְּמִקְדִּישׁ בְּהֵמָתוֹ, וְאֹבֵל קִדְשִׁים בַּחוּץ. אָמַר רַב פַּפָּא: דּוֹקָא בָּשָׂר, אֲבָל חֵיטִי – לֹא, דְּמִינְטוּר לְפֶסַחָא קָאָמַר.

וּבָשָׂר לֹא? מִיִּתְיָבִי אָמַר רַבִּי יוֹסִי: תּוֹדוֹס אִישׁ רוֹמִי הִנְהִיג אֶת בְּנֵי רוֹמִי לְאֹכֹל גְּדִיִּים מְקוּלָּסִין בְּלִילֵי פֶסַחִים, שְׁלַחוּ לּוֹ: אֵלְמָלֵא תּוֹדוֹס אֶתָּה – גּוֹרְנוּ עָלֶיךָ נְדוּי, שְׂאֵתָה מְאָכִיל אֶת יִשְׂרָאֵל קִדְשִׁים בַּחוּץ. "קִדְשִׁים" סְלֵקָא דְעֵתְךָ?! אֵלָּא אֵימָא:

GEMARA Rav Yehuda said that Rav said that it is prohibited for a person to say in modern times: **This meat is for Passover,**^h due to the fact that one appears to be consecrating his animal as his Paschal lamb, and he thereby eats consecrated items outside the permitted area. Rav Pappa said: This prohibition against saying: This is for Passover, applies specifically to meat, which is similar to consecrated meat; however, with regard to wheat, no, it does not apply. In that case, it is clear that one is saying that the flour be watched for Passover.

The Gemara asks: **And** with regard to meat is that **not** the case? Is it really prohibited to say that meat is for Passover? The Gemara raises an objection. **Rabbi Yosei said: Theodosius [Todos]^l of Rome, leader of the Jewish community there, instituted the custom for the Roman Jewsⁿ to eat kids roasted [mekulas]^l whole** with their entrails over their heads **on the evenings of Passover**, as was the custom in the Temple. The Sages sent a message to him: **If you were not Theodosius, an important person, I would have decreed ostracism upon you, as it appears as if you are feeding Israel consecrated food**, which may be eaten only in and around the Temple itself, **outside** the permitted area. The Gemara asks about the terminology used here: **Could it enter your mind** that this meat was actually **consecrated** meat? That was certainly not the case. **Rather, say** instead:

קְרוֹב לְהֵאָכִיל אֶת יִשְׂרָאֵל קִדְשִׁים בַּחוּץ. מְקוּלָּם – אֵין, שְׂאֵין מְקוּלָּם – לֹא! אָמַרִי: מְקוּלָּם – לֹא שְׂנֵא אָמַר לֹא שְׂנֵא לֹא אָמַר. שְׂאֵינוּ מְקוּלָּם, פִּירֵשׁ – אֵין, לֹא פִירֵשׁ – לֹא!

Doing so is akin to feeding Jews consecrated meat outside the permitted area, as due to its resemblance to the Paschal lamb it could be misleading. The Gemara analyzes this statement: A goat roasted whole, yes, it is prohibited; a goat **not** roasted whole, no, it is not prohibited. This contradicts Rav, who prohibited roasting even ordinary meat. The Sages say that this is the distinction: With regard to a goat roasted whole, there is no difference if one said it is for Passover, and there is no difference if one did not say it is for Passover. In either case, it looks like a sacrifice and it is prohibited. With regard to a goat **not** roasted whole, if one specified that it is for Passover, yes, it is prohibited because it appears that he is consecrating it as a sacrifice. However, if one did not specify that it is for Passover, no, it is not prohibited, as there is no need for concern.

רַב אַחָא מִתְנִי לָהּ לְהָא מִתְנִיתִין פְּרָבִי שְׂמַעוֹן. מִתְקִיף לָהּ רַב שִׁשֶׁת: בְּשַׁלְמָא לְמָאן דְתִנִּי לָהּ פְּרָבִי יוֹסִי – נִיחָא, אֵלָּא לְמָאן דְמִתְנִי פְּרָבִי שְׂמַעוֹן מִי נִיחָא?

Rav Aha teaches this *baraita* about Theodosius in accordance with the opinion of Rabbi Shimon. Rav Sheshet strongly objected to this: **Granted, according to the one who learns it in accordance with the opinion of Rabbi Yosei, it works out well. However, according to the one who teaches it in accordance with the opinion of Rabbi Shimon, does it work out well? Didn't we learn** in a mishna about a dispute with regard to one who consecrated an item for a purpose for which it was unsuited, e.g., a case where one sought to bring a meal-offering of barley, although meal-offerings may be brought only from wheat? In that case, the Rabbis say he is required to bring a meal-offering of wheat because in the first part of his statement he vowed to bring a meal-offering.

וְהִתְנַן: רַבִּי שְׂמַעוֹן פּוֹטֵר, שְׂלֵא הִתְנַדֵּב בְּדֶרֶךְ הַמִּתְנַדְּבִים.

Rabbi Shimon exempts him from any obligation, as in his opinion, he did not donate in the manner typical of donors. In other words, Rabbi Shimon relates to the statement: A meal-offering of barley, as a single entity. Since no meal-offering of that kind exists, one is not required to bring an offering at all. Similarly, with regard to Passover, since one can consecrate only a living animal as a sacrifice and cannot consecrate meat as a sacrifice, if one declares: This meat is for Passover, it is in no way similar to consecrating an animal, and the meat has no sanctity.

אמר ליה רבינא לרב אשי: ומאן דמתני לה ברבי יוסי מי נחא? והאמר רבא: רבי שמעון בשיטת רבי יוסי אמרה, דאמר: אף בגמר דבריו אדם נתפס.

Ravina said to Rav Ashi: And according to the one who teaches it in accordance with the opinion of Rabbi Yosei, does it work out well? Didn't Rava say: With regard to a meal-offering of barley, Rabbi Shimon stated his opinion in accordance with the opinion of Rabbi Yosei, who said: A person is also held accountable for the conclusion of his statement. The Sages disagreed with regard to the *halakhot* of consecration in a case where one consecrates an animal for two objectives in the same statement, e.g., as both a burnt-offering and a peace-offering. According to Rabbi Meir, one is held accountable for the beginning of his statement. Since he mentioned the burnt-offering first, the animal assumes the status of a burnt-offering. However, Rabbi Yosei says that the one's entire statement is significant, and that the animal is consecrated for two sacrifices. The owner must wait until the animal becomes blemished, redeem it, and use the money to purchase a burnt-offering and a peace-offering. Rabbi Shimon holds in accordance with Rabbi Yosei's opinion concerning a barley meal-offering. He maintains that one is held accountable not only for his first expression, i.e., that it is a meal-offering, but also for his second expression, i.e., that it is of barley. In that case, the second part of his statement negates the first part.

מאי לאו, מדרבי שמעון סבר לה ברבי יוסי – רבי יוסי נמי סבר לה ברבי שמעון! לא, רבי שמעון סבר לה ברבי יוסי, ולא רבי יוסי סבר לה ברבי שמעון.

What, is it not concluded from the fact that Rabbi Shimon holds in accordance with the opinion of Rabbi Yosei, Rabbi Yosei also holds in accordance with the opinion of Rabbi Shimon, that if one did not donate in the manner typical of donors, his act is meaningless? If that is the case, then any difficulty for the opinion of Rabbi Shimon would be similarly difficult for the opinion of Rabbi Yosei. The Gemara rejects this: **No, although Rabbi Shimon holds in accordance with the opinion of Rabbi Yosei, Rabbi Yosei does not hold in accordance with the opinion of Rabbi Shimon.**

איבעיא להו: תודוס איש רומי גברא רבה הוה, או בעל אגרופין הוה?

A dilemma was raised before the Sages with regard to the above incident. Was Theodosius of Rome a great man^N in terms of his Torah scholarship, and the Sages refrained from ostracizing him in deference to the Torah that he studied? Or, was he a violent man who could not be punished due to his local influence?

תא שמע, עוד זו דרש תודוס איש רומי: מה ראו חנניה מישאל ועזריה שמסרו [עצמן] על קדושת השם לכבשן האש

Come and hear: This was also taught by Theodosius of Rome: What did Hananiah, Mishael, and Azariah see that led them to deliver themselves to the fiery furnace for sanctification of the name of God^N during the rule of Nebuchadnezzar rather than worship idols under duress?

נשאו קל וחומר בעצמן מצפרדעים, ומה צפרדעים שאין מצווין על קדושת השם, כתיב בהו: "ובאו [ועלו] בביתך [וגו'] ובתנורך ובמשארותיך". אימתי משארות מצויות אצל תנור – הוי אומר בשעה שהתנור חם, אנו שמצווין על קדושת השם – על אחת כמה וכמה!

They drew an *a fortiori* inference on their own from the plague of frogs in Egypt. With regard to frogs, which are not commanded concerning the sanctification of the name of God, it is written: "And the river shall swarm with frogs, which shall go up and come into your house, and into your bedchamber, and onto your bed, and into the houses of your servants, and upon your people, and into their ovens and kneading bowls" (Exodus 7:28). When are kneading bowls found near the oven? You must say that it is when the oven is hot. If in fulfilling the command to harass the Egyptians, the frogs entered burning ovens, all the more so, we, who are commanded concerning the sanctification of the name of God, should deliver ourselves to be killed in the fiery furnace for that purpose. Apparently, Theodosius taught Torah in public, which indicates that he was a great man.

רבי יוסי בר אבין אמר: מטיל מלאי לביס של תלמידי חכמים הוה, דאמר רבי יוחנן: כל המטיל מלאי לביס תלמידי חכמים – זוכה וישוב בישיבה של מעלה, שנאמר: "כי בצל החכמה בצל הכסף."

Rabbi Yosei bar Avin said: Theodosius was one who cast the profits from merchandise^N into the purse of Torah scholars. He would lend them money and enter into partnership with them so they could open businesses, and that is praiseworthy, as Rabbi Yoḥanan said: Anyone who casts merchandise into the purse of Torah scholars is rewarded and sits in the heavenly academy, as it is stated: "For in the shadow of wisdom, is the shadow of money" (Ecclesiastes 7:12). One who provides Torah scholars with money will merit being with them in the shadow of wisdom.

NOTES

A great man – גברא רבה: If Theodosius is a great man, the conclusion drawn is that a great man may not be ostracized; he is only admonished (*Hatam Sofer*).

What did they see that led them to deliver themselves to the fiery furnace for sanctification of the name of God – מה ראו שמסרו את עצמן על קדושת השם: The early commentaries explain that the *halakha* is that one must give his life rather than worship idolatry. Many commentaries reject Rashi's interpretation that the question is why did they eschew the principle: You shall live by the mitzvot of the Torah and not die in their fulfillment. *Tosafot* explain Rashi's interpretation: The three men had the ability to escape and to refrain from idol worship without giving their lives. Support for this explanation is found in the *Midrash Hazit* (Rashash). Another possibility is that the episode involved a monument constructed in honor of the king and not actual idol worship. Other authorities explain that the question in this context is why they spoke so harshly to Nebuchadnezzar when they could have addressed him more respectfully. Alternatively, they should have killed themselves earlier to avoid being forced to worship idolatry, as did King Saul, in other circumstances. An alternate opinion is that the Gemara is questioning how these three men were so certain that they would be miraculously rescued from the fire. According to this opinion, they derived from the frogs that they would be rescued. When the Torah states that the frogs died, those which jumped into the ovens are omitted. Therefore, it can be assumed that these frogs were spared due to their willingness to give their lives (Maharam Halawa).

He...cast merchandise – מטיל מלאי: There are different levels in giving charity, including giving money to the outstretched hand of a beggar, giving money privately, and others. The highest level of charity is providing money to the poor through a business partnership so that the individual can earn a living on his own. In this way, he eventually will be able to care for himself and thereby retain his self-respect.

Kindling a lamp for Yom Kippur – **הַדְּלַקַת נֵר בַּיּוֹם**: Where it is customary to kindle a lamp for Yom Kippur, one should follow this custom (Jerusalem Talmud). However, one should not kindle a lamp in a locale where it is not customary to do so. Some recite a blessing over this lamp, and that is the accepted custom (*Shulhan Arukh, Orah Hayyim* 610:1).

In synagogues – **בְּבֵתֵי כְּנִסְיֹת**: Lamps should be lit everywhere for Yom Kippur, including in synagogues, study halls, near the sick, and in dark alleyways (*Shulhan Arukh, Orah Hayyim* 610:3).

Yom Kippur that occurs on Shabbat – **יּוֹם הַכִּפּוּרִים שֶׁחַל**: When Yom Kippur occurs on Shabbat, one kindles a lamp in deference to Shabbat, even if he lives in a place where the custom is not to kindle a lamp for Yom Kippur (*Shulhan Arukh, Orah Hayyim* 610:1).

NOTES

One kindles in synagogues – **מִדְּלִיקֵי בְּבֵתֵי כְּנִסְיֹת**: Since the mishna does not use the expression: And in every place, as in the previous mishna, this is apparently not a mitzva but rather a voluntary practice. This practice is permitted even in places where it is not customary for people to kindle lamps in their homes (*Meleket Shlomo*).

Rabbi Abba and Rabba bar bar Hana – **רַבִּי אַבְבָּא וְרַבָּה בַּר בַּר הַנָּה**: It is possible that the mistake occurred in the following manner: The *halakha* that a blessing is recited over fire only on Shabbat was transmitted in the name of Rabbi Yohanan. Rabbi Abba thought that this referred to the conclusion of Shabbat, but it was actually part of Rabbi Yohanan's quotation of the statement of Rabbi Shimon ben Elazar, who said that one kindles the lamp before Shabbat (Rabbi Elazar Moshe Horowitz). Some commentaries explain that it was Rabba bar bar Hana who said this, because that is what he understood from Rabbi Yohanan. He thought that it is not possible to recite a blessing over fire after Yom Kippur since no fire burned during Yom Kippur, as one kindles a lamp only before Shabbat. Ulla maintained that one could recite a blessing on fire that was burning in the synagogue, and in that way one could recite a blessing after Yom Kippur as well (Maharam Halawa).

PERSONALITIES

Ulla – **עוּלָא**: Ulla bar Yishmael was an *amora* and one of the most important emissaries from Eretz Yisrael to Babylonia. Ulla was one of Rabbi Yohanan's students who regularly brought the Torah of Eretz Yisrael to Babylonia. He would then return to Eretz Yisrael and transmit the innovations of the Babylonian Sages. Ulla journeyed often and traveled from place to place to teach Torah. The Babylonian Sages held him in high regard and treated him with great respect. Rav Hilda referred to him as: Our teacher who comes from Eretz Yisrael, and Rav Yehuda sent his son to Ulla to learn practical *halakha*. In the Jerusalem Talmud, he is usually referred to as Ulla bar Yishmael or Ulla the descender, as one who leaves Eretz Yisrael is considered to have descended to another country. Many *halakhot* are cited in his name, and numerous Sages of the succeeding generation were his students. The *amora* Rabba bar Ulla may have been his son, but nothing is known of his private life. He died during one of his journeys to Babylonia and was brought back to Eretz Yisrael for burial.

מתני' מקום שנהגו להדליק את הנר בלילי יום הכפורים – מדליקין, מקום שנהגו שלא להדליק – אין מדליקין. ומדליקין בבתי כנסיות ובבתי מדרשות. ובמבואות האפלים, ועל גבי החולים.

גמ' תנא: בין שאמרו להדליק ובין שאמרו שלא להדליק – שניהן לדבר אחד נתבוננו. אמר רב יהושע, דרש רבא: "ועמך כלם צדיקים לעולם יירשו ארץ גור". בין שאמרו להדליק ובין שאמרו שלא להדליק – שניהם לא נתבוננו אלא לדבר אחד.

אמר רב יהודה אמר שמואל: אין מברכין על האור אלא במוצאי שבת, הואיל ותחלת ברייתו הוא. אמר ליה ההוא סבא, ואיתימא רבא בר בר חנה: ישור, וכן אמר רבי יוחנן. עולא היה רכוב חמרא ואזיל, והיה שקיל ואזיל רבי אבא מימיניה, ורבה בר בר חנה משמאליה. אמר ליה רבי אבא לעולא: ודאי דאמרתו משמיה דרבי יוחנן אין מברכין על האור אלא במוצאי שבת, הואיל ותחלת ברייתו הוא?

הדר עולא תנא ביה ברבא בר בר חנה בישות. אמר ליה: אנא לאו אהא אמרי, אלא אהא אמרי. דתני תנא קמיה דרבי יוחנן, רבי שמעון בן אלעזר אומר: יום הכפורים שחל להיות בשבת, אף במקום שאמרו שלא להדליק – מדליקין, מפני כבוד השבת. ועני רבי יוחנן בתריה: וחכמים אסרים. אמר ליה: עדיא תהא.

קרי עליה רב יוסף: "מים עמוקים עצה בלב איש"

MISHNA The mishna discusses additional differences between local customs. In a place where people were accustomed to kindle a lamp in the house on Yom Kippur evenings, one kindles it. In a place where people were accustomed not to kindle a lamp, one does not kindle it.^H However, even in a place where the custom is not to kindle lamps in houses, one kindles in synagogues^{HN} and study halls, in deference to these places. Similarly, lamps should be kindled in dark alleyways, so people will not be hurt, and next to the sick.

GEMARA It was taught in the *Tosefta*: Both in a place where the Sages said to kindle and in a place where they said not to kindle, they both intended to achieve the same objective, i.e., to distance people from sin, as conjugal relations are prohibited on Yom Kippur. Those who said that one kindles a lamp believe that because people do not engage in relations while a lamp is lit, the lamp will discourage intimacy. Those who maintain the opposite believe that spouses who are unable to see each other will not be tempted to engage in conjugal relations, and therefore it is preferable not to have a lamp lit on Yom Kippur. Rav Yehoshua said that Rava taught: “Your people are all righteous, they shall inherit the land forever; the branch of My planting, the work of My hands, in which I glory” (Isaiah 60:21). Both in a place where the Sages said to kindle and in a place where they said not to kindle, they intended only to achieve the same objective, fulfilling a mitzva. Even though different places have different customs, the Jewish people all aspire to sanctity.

On the topic of kindling a lamp for Yom Kippur, the Gemara discusses a related point. Rav Yehuda said that Shmuel said: One should recite the blessing over fire: Who creates the lights of fire, only at the conclusion of Shabbat, since the conclusion of Shabbat is the time of its original creation. A certain Elder said to him, and some say it was Rabba bar bar Hana who said: That is correct; and so said Rabbi Yohanan. The Gemara relates: Ulla^P was riding on a donkey and going along, and Rabbi Abba was going along on his right and Rabba bar bar Hana on his left.^N Rabbi Abba said to Ulla: Is it true that you said in the name of Rabbi Yohanan that one recites the blessing over fire only at the conclusion of Shabbat, since the time of its original creation is the conclusion of Shabbat, not the conclusion of Yom Kippur?

Since Ulla never transmitted that statement, he understood that it must have been Rabba bar bar Hana who heard it from Rabbi Yohanan and transmitted it when he came from Eretz Yisrael. Ulla turned around and looked angrily at Rabba bar bar Hana for misquoting Rabbi Yohanan. Still, Ulla said nothing. However, Rabba bar bar Hana understood what had happened and said to him: I did not say anything about that matter; rather, what I said was about that which the reciter of the tannaitic literature taught in a *baraita* before Rabbi Yohanan in which Rabbi Shimon ben Elazar says: With regard to Yom Kippur that occurs on Shabbat,^H even in a place where they said not to kindle a lamp on Yom Kippur, one kindles in deference to Shabbat. Rabbi Yohanan answered after him and completed the statement: And the Rabbis prohibit kindling a lamp even when Yom Kippur occurs on Shabbat. Ulla said to Rabbi Abba: Let it be that Rabbi Yohanan indeed made this statement.

Rav Yosef read the following verse about this event: “Counsel in the heart of man is like deep water;