

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Prohibited produce that was planted (cont.)

The Gemara concludes its attempt to answer the question of whether an onion that was uprooted during the Shemittah year and replanted during the eighth year retains the status of Shemittah produce or not.

This proof is rejected because it is possible that the Baraisa's ruling represents a stringency rather than a definitive ruling that the new growth has a different status than the root.

Another attempt is made to resolve this inquiry, this time from a Mishnah in Shevi'is.

This proof is also rejected because the case in the Mishnah refers to items that are not significant.

Another attempt is made to resolve the Gemara's inquiry.

After numerous suggestions that this Baraisa should not be able to resolve our inquiry, the Gemara agrees that one can indeed demonstrate from this Baraisa that the new growth nullifies the old root.

In light of this conclusion, the Gemara asks whether this Baraisa refutes the opinions of R' Yochanan and R' Yonasan cited earlier in the Gemara (57b).

R' Yitzchok suggests that Shemittah is different and therefore the Baraisa does not refute R' Yochanan and R' Yonasan's rulings that dealt with ערלה and כלאי הכרם and ערלה respectfully.

This distinction is challenged from the case of ma'aser which is prohibited through the ground like Shemittah and nonetheless it does not become nullified by the ground. ■

REVIEW and Remember

1. Explain: דבר שיש לו מתירין.
2. What is the dispute between Tanna Kamma and R' Chanina ben Antigonus?
3. When is it permitted to snack on untithed produce?
4. What makes the Shemittah prohibition different from other prohibitions?

Distinctive INSIGHT

The mitzvah of removal of Shemittah fruits

אמר להן אף אני לא אמרתי אלא לביעור

Fruits which grow during the Shemittah year are subject to the law of "Removal". Based upon Vayikra 25:7, the Gemara (Pesachim 52b) determines that Shemittah produce may only be kept in one's house as long as fruits of that same type are found in the field and are available for animals. Once any type of fruit or grain is no longer found in the field, it must be removed from one's home, as well. This moment is referred to as זמן ביעור.

The Rishonim present three main guidelines in defining this halacha. Rambam (Hilchos Shemitta v'Yovel 7:3) writes that when a particular species is no longer in season, a person who has this type in storage must distribute his stock among his neighbors and relatives. Each person can receive an amount to provide for three meals. The owner may also keep for himself and for each of the members of his family an amount necessary to eat for three meals. If the person has extra which he cannot distribute, any fruit remaining after "the time of removal" must be destroyed, either by burning them, tossing them into the Dead Sea, or any other comparable manner of destruction.

Ra'aved (in his Comments to Rambam) writes that there are actually two times which comprise the "time of removal". The first is when the growing season for a particular fruit comes to an end in the vicinity of a city and its environs, but not throughout the land. At this point, everyone must bring his stock of fruit to a central area monitored by the courts. The collective amount is then distributed using a system of each person receiving enough to eat for three meals each day, until the stock is depleted. If there is no court to supervise the distribution, the fruit is brought to the central market and deemed ownerless, and anyone, including the original owner, may take from the supply. Once the fruit is no longer available anywhere in the land, all remaining fruit in storage must be destroyed.

Chazon Ish explains that Ra'aved bases his opinion upon two verses, each of which seems to describe a different "removal". One is in Mishpatim (Shemos 23:11), which suggests that some fruits may still be in one's house, and the other is in Behar (Vayikra 25:7) which teaches that the fruit must be eradicated from the house, as they are no longer permitted for benefit.

The third approach is that of ר"ש (to Shevi'is 9:8), Ramban (to Vayikra 25:7) and Tosafos (Pesachim 52b). They write that the fruits do not become prohibited at all when they are no longer in season. Rather, one must remove them from his property and declare them ownerless, for the poor and for everyone else. At this point, the owner himself can be among those who takes the ownerless fruits. ■

HALACHAH Highlight

Deducting expenses before calculating one's ma'aser obligation

As the Baraisa taught: If a litra of untithed ma'aser was planted in the ground etc.

Rav Dovid Oppenheim¹, the Sheilas Dovid, addressed a common question that relates to calculating one's ma'aser kesafim obligation. If a person spent one hundred dollars to purchase merchandise and another hundred dollars to transport and advertise that merchandise and eventually sold the merchandise for one thousand dollars how much does he separate for ma'aser kesafim? Do we say that he must give ninety dollars which is ten percent of the nine hundred dollars that he earned (He sold the merchandise for one thousand dollars and he paid one hundred dollars to purchase the merchandise) or is he only obligated to give eighty dollars which is ten percent of his profit (He sold the merchandise for one thousand dollars but he paid one hundred dollars for the merchandise and another hundred dollars on miscellaneous expenses)?

Sheilas Dovid initially asserted that one does not subtract expenses and based that approach on the halacha of

ma'aser on grain. One separates ten percent of the produce for the Levi regardless of how much money he may have invested in the process of growing this produce. So too ma'aser kesafim is calculated without deducting the expenses. He subsequently changed his opinion and wrote that it is acceptable to deduct expenses before calculating one's ma'aser expenses since we consider the expenses to be part of the initial principal and the profit is the money that is earned after the principal is covered. Therefore if the merchandise cost one hundred dollars and the additional expenses cost one hundred dollars the principal is equal to two hundred dollars and the profit is only eight hundred dollars. The reason for the distinction is that ma'aser on produce is, in contrast to ma'aser kesafim, not an expression of thanks for what one earned but rather the obligation is to separate from whatever the ground produces. Proof to this is found in our Gemara. The Gemara relates that one who plants tevel is obligated to separate ma'aser for all the new growth as well as the continuing obligation to separate the obligatory gifts from last year's grain that was never separated. This will result in two ma'asers being separated from the same measure of grain. The rationale behind this ruling is that each time the ground yields produce there is a new obligation to separate ma'aser. ■

1. מובא דבריו בשו"ת חות יאיר סי' רכ"ד ■

STORIES Off the Daf

The Shabbos of the land

שביעית הואיל ואיסורה ע"י קרקע

Today's daf states that the prohibition of shemittah is on the land.

One Shemittah year, the Ponevizher Rav visited Kibbutz Chofetz Chaim, one of the few kibbutzim of those years to scrupulously uphold the halachos of Shemittah. The Rav was so moved by the self-sacrifice of the community to fulfill their duty despite the derision of their irreligious neighbors that he was overcome with joy.

At a certain point in the proceedings, the Rav Kahanaman, ז"ל, could no longer contain himself. He literally stooped to the ground and gave it a

kiss, and said to the land in a voice charged with emotion, "Gut Shabbos! Gut Shabbos to the holy land resting this Shemittah!"

As he continued on the tour of the farms he kept murmuring in a joyous voice, "Gut Shabbos, gut Shabbos!"

Very often, farmers who observe Shemittah witness miraculous success during the year while their fellow farmers who don't suffer unforeseen setbacks. Such an event took place just this year. A certain farmer decided to observe Shemittah for the first time. He contacted Keren Shvi'is and added that while he was at it, he would be keeping Shabbos as well. This winter has been hit by a series of fierce storms and frosts the intensity of which hasn't been seen for a long time. Since prolonged cold affects bananas very ad-

versely, one of the repercussions of the weather is that much of the winter banana crop was destroyed.

This man received many calls from neighbors complaining that the cold had absolutely ruined their harvest. As he was driving down to Teverya to assess the damage to his own grove, he noticed that all the bunches of bananas still hanging on the plants he passed along the road were prematurely brown and ruined.

When he finally arrived at his property, however, he couldn't believe his eyes: despite the cold, his bananas were a healthy color. As he rushed around trying to take in the sight, he proclaimed with tears in his eyes, "A miracle! It's a miracle!" ■

