

OVERVIEW of the Daf

1) Determining a plants ma'aser year (cont.)

The Gemara explains why it was necessary for Shmuel to issue three seemingly related rulings.

A Baraisa presents two sources for the ruling that the ma'aser status of fruit is determined by when it emerges (חנטה) and the status of vegetables is determined by when they are picked.

The Gemara pinpoints the difference between the two opinions.

2) Rosh HaShanah for trees

R' Elazar in the name of R' Oshaya explains why Shevat is the time for the New Year for trees.

A Baraisa relates that R' Akiva once picked an esrog on the first of Shevat and treated it with the ma'aser rules according to the opinions of both Beis Shammai and Beis Hillel. R' Yosi bar Yehudah maintains that he observed the ma'aser of R' Gamliel and R' Eliezer.

A Mishnah is cited that teaches the dispute between R' Gamliel and R' Eliezer regarding ma'aser.

The Gemara questions R' Akiva's practice of following Beis Shammai and Beis Hillel when it is prohibited to follow both of their opinions simultaneously.

R' Akiva's practice is reconciled

The Gemara challenges R' Yosi bar Yehudah's assertion that R' Akiva was acting in accordance with R' Gamliel and R' Eliezer, as that would result in R' Akiva's following Beis Shammai's opinion.

Two resolutions to this challenge are presented.

Rabbah bar R' Huna concludes that according to R' Gamliel, who maintains that an esrog is tithed like a vegetable, its Rosh HaShanah will be in Tishrei.

A challenge against this assertion is presented ■

Distinctive INSIGHT

The ma'aser status of an esrog

ולירק בדרך אחד שבשעת לקיטתו עישורו

Rashi explains that the reason the ma'aser status of an esrog is linked to the year in which it is picked (לקיטה), as we find regarding vegetables, is that its growth depends on continued watering from irrigation, rather than rain water. This is based upon the words of Rabbi Akiva who bases the ma'aser status of a commodity on whether it grows from רוב מים—rain water (e.g., trees and grain) or whether it grows from כל מים—irrigation (e.g., vegetables).

Rabbi Yose HaGalili, however, presents a different approach. He teaches that the produce which develops one-third of its growth from the previous year has its ma'aser status fixed for the previous year. This includes גורן ויקב (grapes and olives) and similar types. Vegetables, however, grow from the current year's water, and their year of ma'aser follows the year they are picked.

We see that Rashi presents the reasoning of Rabbi Akiva, rather than that of Rabbi Yose HaGalili. The reason for this is based upon the Gemara in Kiddushin (2b) which explains the terminology in the Mishnah in Bikkurim (2:7) which states שלשה דרכים rather than שלשה דברים. This teaches us, explains the Gemara, that the nature of an esrog tree is to grow with irrigated water, and not just rain water. This is why the status of esrog is to have its ma'aser follow the time it is picked, as we find regarding vegetables. Therefore, Rashi here follows the approach of Rabbi Akiva, as is indicated in the sugya in Kiddushin.

Turei Even answers that the intent of Rabbi Yose HaGalili was only to exclude vegetables from the grouping of ma'aser from the previous year. He holds that an esrog does use the current year's water, but it still nourishes from the sap stored from the previous year. Even he would agree, however, that an esrog follows the current year based upon חנטה just as any other tree. This is why Rashi cites the words of Rabbi Akiva. ■

HALACHAH Highlight

Shehecheyanu when eating an esrog

אמר ר' חנינא ואיתימא ר' חנינא הכא באתרוג שחנטו פירותיו קודם חמשה עשר דאיך שבט עסקינן

R' Chanina, and some say it was R' Chananya said: Here we are dealing with an esrog that emerged before the previous Tu B'Shvat.

It is clear from the Gemara and Rashi¹ that the basis of this explanation is that the esrog remains on the tree for an extended period of time. Accordingly, Poskim discuss whether it is appropriate to make a shehecheyanu when eating an esrog. Shulchan Aruch² rules that one does not make a shehecheyanu on a fruit that remains on the tree during the winter. Mishnah Berurah³ uses the esrog as an example of this and explains that since the fruit remains the same throughout the winter one does not derive new benefit from its appearance; consequently, it is inappropriate to make shehecheyanu.

Rav Yaakov Emden³ disagrees with this ruling. In Europe the esrogim were imported from distant lands. Accordingly, they are considered seasonal since the old ones have already dried and lost their beauty before the new ones arrive. As a seasonal fruit it is appropriate to make shehecheyanu.

Rav Shlomo Kluger⁴ suggested an additional reason why it is even prohibited to make a shehecheyanu when eating an esrog. According to the Gemara,⁵ shehecheyanu should be made when one sees the new fruit growing on the tree and one does not wait until the time he eats the fruit. Therefore, once shehecheyanu was made during Sukkos on the mitzvah the requirement to make the berachah was fulfilled and the berachah should not be recited again.

REVIEW and Remember

1. What halachos are derived from the words באספך מגרנד ומיקבך?
2. Why is Shevat the appropriate time for the New Year for the Trees?
3. How could R' Akiva follow the conflicting opinions of Beis Shammai and Beis Hillel?
4. Why, according to R' Gamliel, did Rabbah bar R' Huna assert that the New Year for an esrog would be in Tishrei?

filled and the berachah should not be recited again.

Rav Avrohom Shmuel Binyomin Sofer⁶, the Ksav Sofer, disagrees. At the time one makes shehecheyanu to fulfill the mitzvah one has in mind the mitzvah and not the benefit he derives from seeing the new fruit. Furthermore, since he does not derive any physical benefit from the esrog at that time it is considered as if he has intent not to fulfill his shehecheyanu obligation on the benefit from the fruit at that time and therefore shehecheyanu could be recited. ■

1. ד"ה דאיך
2. שו"ע אר"ח סי' רכ"ה סע' ו'
3. מור וקציעה שם ד"ה אמנם
4. שו"ת האלף לך שלמה אר"ח סי' צ"ב
5. ע' גמ' עירובין ה: ושו"ע סע' רכ"ה סע' ג'
6. שו"ת כתב סופר אר"ח סי' כ"ג ■

STORIES Off the Daf

The fruits of Tu B'Shevat

ר"ע גמריה אסתפק ליה ולא ידע אי ב"ה באחד בשבט אומר אי בט"ו בשבט

On today's daf, we find a discussion about the opinions of Beis Hillel and Beis Shammai about when the New Year of the trees falls out.

Once, Rabbi Akiva harvested an esrog on the first of Shevat and took the ma'aser of two different years. One of the possibilities offered as to why Rabbi Akiva did this was that he really wanted to follow the opinion of Beis

Hillel, but was unsure if Beis Hillel held the New Year fell out on the first or the fifteenth of Shevat.

Once, Rav Avraham Chaim Naeh, zt"l, reviewed with his mentor, Rav Yosef Chaim Sonnenfeld, zt"l, the Vilna Gaon's explanation for why we eat various fruits on the fifteenth of Shevat.

"The Gaon cites the Gemara that says that Rabbi Akiva was in doubt as to whether the New Year of the trees was on the first or the fifteenth of the month. He then says that since our custom is to eat the fruit on the fifteenth, we are establishing that the real opinion of Beis Hillel was that Rosh HaSha-

nah La'llanos falls out on the fifteenth, as we find in the Mishnah!"

Although Rav Yosef Chaim expressed great pleasure when he heard this idea, he seemed somewhat unsatisfied. He said to Rav Avraham Chaim, "If it is as you say, then it seems as though the custom of eating the fruits on the fifteenth of Shevat must have begun after Rabbi Akiva's time. This implies that Moshe Rabbeinu, ע"ה, didn't follow this practice. This, we certainly cannot say! How can we say this about a minhag of the Jewish people?!" ■