

7.4.4

34a (משנה 2) → 35b (סיום הפרק)

(1) אם תשיב משבת רגלך עשות חפצך ביום קדשי וקראת לשבת ענג לקדוש ה' מכבד וכבדתו מעשות דרכך ממצוא חפצך ודבר דבר: ישעיהו נח, יג

- I. משנה 2: selecting fruit that have no obligation of תר"מ (e.g. on שביעית)
- a. ברירה) עיר"ט מוקצה on ל"א. may select them orally from the
 - b. אין ברירה) עיר"ט חכמים. must pre-select them and mark them as such on
- II. Question: does שבת act as a קביעות for produce that is unfinished to obligate it in תר"מ?
- a. Suggested answer: ר"א in our משנה – only valid on שביעית (no תר"מ) – else, invalid since שבת קובעת למעשר
 - b. Rejection: since he selected them, that is the קביעות (not שבת); שבת used as example:
 - i. To teach that: מוכן is טבל (→ if someone else came and separated תר"מ – it is edible)
 - c. Challenge: anytime the surplus returns to the pile (as here), there is no קביעות, (as per ד:ג: מעשרות)
 - i. Answer: our משנה deals with טמא man and טהור pile – can't be returned
 - ii. Challenge: that which is "returned" is never taken (מוחזרין ועומדין)
 - d. Rather: our משנה is ר"א, who holds that קריאת שם תרומה (and שבת ק"ו that שבת) is קובע
 - e. Suggested answer2: from דעת חכמים – must mark "from here to here"
 - i. Only works: in שביעית → other years, שבת קובעת
 - ii. Rejection: since he selected them, that is the קביעות (not שבת); שבת used as example:
 1. To teach: that מוכן is טבל (→ if someone else came and separated תר"מ – it is edible)
 - iii. Challenge: ר"א says if he began eating עראי and it became שבת, he may finish
 1. Answer: he may finish...after שבת
 - f. פסק הלכה: unfinished produce are not קבוע through:
 - i. שבת: contra הלל's practice for himself
 - ii. תרומה: contra ר"א above
 - iii. ר' יעקב חצר: contra
 - iv. מקח: following ברייתא re: buying figs דמאי from ע"ה in a place where most people press figs
 1. הלכות 3: ברייתא
 - a. מקח: is not קובע except with produce that is finished
 - b. Most עמי הארץ take מעשרות (דמאי) is only due to a small minority who don't
 - c. מעשרות: may be taken from דמאי even before produce is finished
 - i. Contra: משנה re: swapping (מקח::) produce