

8.1.10

13b (אלא מנהג ר"ג ור"א נהג בה) → 14b (תנן התם האורז והדוחן)

Note: **בילה** means "mixing"; if one maintains **יש בילה**, he holds that those components specified mix together and become one unit; hence, any portion taken out will be representative of the components put in. For example, if 50% was rice from the previous year and 50% from the new year and they were mixed, any tithe taken out would be 50% from each year.

(1) חג הסוכות תעשה לך שבועת מימים באקספד מנרנד ומיקנד: דברים טז, יג
(2) החכם עיניו בראשו והקטיל בחשך הולך וידעתי גם אני שמקרה אחד יקרה את כלם: קהלת ב, יד

- I. Continuation of discussion re: stages when various crops reach עונת המעשרות (שליש)
  - a. Rice, millet etc.: follow date of taking root (השרשה)
    - i. Analysis (רבה): grains/olives –@1/3 of ripening; fruit trees –@ blossoming of bud; vegetables – harvest
      - 1. Rice, millet etc: since they mature at different times, רבנן established השרשה
    - ii. Challenge (אבי): why not mix them all together (those that grew before and after ר"ח תשרי)
      - 1. And: take תר"מ from the mix
      - 2. Precedent: ר' שמעון שזורי's ruling in re same problem with beans
      - 3. Defense: ר' שמעון שזורי maintains יש בילה (see note);
        - a. Challenge: ר' שמעון שמואל ruled like שמואל
        - b. Backchallenge: שמואל who rejects בילה in all except pure liquids
        - c. Resolution: ר' שמעון שמואל ruled like ר"ש since he maintains that we follow פרי גמר
      - 4. Follow-up: all 3 statements of שמואל are necessary; if we only knew:
        - a. אין בילה אלא בין ושמן → בילה due to סד"א: הלכה כרש"ש
        - b. הלכה כרש"ש → ר' שמעון שמואל's result סד"א: אין בילה
        - c. Both a&b: we would see a contradiction → הכל הולך אחר גמר הפרי
        - d. הכל הולך אחר גמר הפרי –at point of dispute even grains etc. → סד"א: הכל הולך אחר גמר הפרי
- II. Establishment of time-parameter for מעשר ירק in apposition to מעשר פירות – using v1
  - a. גורן ויקב model is grain and grapes (גורן ויקב)
    - i. They grow: on rain water → tithed based on previous year (before harvest) – similarly – all fruit
    - ii. Unlike vegetables: which grow on current water supply and are tithed accordingly
  - b. גורן ויקב model is grain and grapes (גורן ויקב)
    - i. Grow on "most" water: and are tithed based on previous year etc.
    - ii. Unlike vegetables: which grow on "all" water (even irrigated) and are tithed per harvest time
  - c. Split the difference: vegetables that were "starved" 30 days before ר"ח תשרי follow previous year (ריה"ג)
- III. Analysis of final clause in משנה – turn of year for trees – טו בשבט – ר"ח
  - a. Rationale: even though winter is still in force, most of the rain has fallen (in א"י) by that time
  - b. Story involving ד"ע: he harvested אתרוגים on ר"ח שבט and, stringently, tithed from 2 years
    - i. i.e.: current and past; e.g. 2<sup>nd</sup> year [מעשר שני] going into 3<sup>rd</sup> year [מעשר עני]
    - ii. Challenge: we don't practice both ב"ש/ב"ה, not leniently (wicked) nor stringently (fool - v. 2)
    - iii. Answer: ר"ע was unsure which school maintained which date
  - c. ר"א/ר"ג: ר"א/ר"ג he wasn't covering both ב"ש/ב"ה, rather both of ר"א/ר"ג:
    - i. מעשר ד"ע considered a tree for רבעי ושמיטה and ערלה, רבעי ושמיטה considered a tree for ד"ג
    - ii. מעשר ד"א considered a tree for all matters
    - iii. Challenge: why did he accept ב"ש? (considering ר"ח שבט to be the turnaround date)
      - 1. Answer1 (ר' חנינא): this tree had blossomed before טו בשבט of the previous year;
        - a. Story: could have happened anytime after that, but it occurred on ר"ח שבט
      - 2. Answer2 (רבינא): really happened on טו בשבט, following ב"ה,
        - a. ד"ע was taking both ר"ג ור"א into account