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**Prohibition from the Ground**

(The Gemora concluded that the growth from the eighth year will indeed nullify the forbidden part which grew during Shemitah.)

The Gemora asks: Shouldn't the *braisa* (cited above) be a refutation of Rabbi Yochanan (who held that if a young tree (whose fruits were still forbidden due to orlah, the Torah prohibition against eating the fruits of tree that has not yet reached three years old) is cut and mixed with an old tree, even if its (the young tree's) fruits (that existed before it was cut down) grew one two hundredth more (after the grafting) the fruits are forbidden) and Rabbi Yonasan (who held that if an onion was planted in a vineyard and the vineyard was later uprooted, the onion (and its growths) is prohibited)? (They both maintain that the growth retains the halachic status of the roots!)

Rabbi Yitzchak answers: *Shemitah* is different because its prohibition is on account of the ground; it stands to reason that its nullification can come about because of the ground. (The mitzvah of *Shemitah* is to rest the ground, and the ground during *Shemitah* gives kedusha to the produce. So too, in the eighth year, the ground can provide the produce with a non-kedusha status. This is in contrast to orlah and kilayim of the vineyard, where the prohibition is not

on account of the ground, but rather, due to exterior factors, such as lack of time or because of a mixture).

The Gemora asks: But *ma'aser*, whose prohibition does come about because of the ground, and nevertheless, its nullification, does not come because of the ground? The Gemora provides support to its question from the following *braisa*: If there was a *litra* of untithed *ma'aser* (the *ma'aser rishon* was separated from it, but the *terumas ma'aser* was not yet taken from it) that was planted in the ground (prior to *Shemitah*) and it improved during *Shemitah* and it is now ten *litra*, the *halacha* is as follows: He must separate *terumas ma'aser* from it and it has the sanctity of *Shemitah*. (*Ra'n*: He separates *terumas ma'aser* from the original *litra* and the entire crop has *kedushas Shemitah*; it must be eaten before the time of removal.) The *terumas ma'aser* that he takes off for the original *litra* must be from somewhere else (because the other nine *litra* are not obligated in *terumas ma'aser*, for it grew during *Shemitah*, and *Shemitah* produce is ownerless; all ownerless produce is exempt from *ma'aser*), according to the amount of untithed *ma'aser* that was here before. (Shouldn't we say that the ground, which caused the obligation for *ma'aser*, should also nullify the *ma'aser*, and therefore, the ground during *Shemitah* should be able to nullify the

*ma'aser obligation that was on the root from before Shemitah?)*

The *Gemora* answers: There is no obligation for *ma'aser* until the grain is piled (*and therefore, the ground cannot nullify any ma'aser obligation*). (58b – 59a)

### ***Annulling a Neder and Terumah***

Rami bar Chamah asks on Rabbi Yanai (*who held that an onion of terumah that was planted and its growths became more than the original onion, is permitted*) from our *Mishna*: If one says, “These fruits are a *konam* upon me,” or “They should be a *konam* to my mouth,” he is forbidden to derive benefit from that which is exchanged for them and what grows from them. However, if he says (*about these fruits*): “*Konam* upon me in respect to the eating or tasting,” he is permitted to things that are exchanged for them and what grows from them. This is only regarding something that the seed is destroyed when it is planted, however, if the seed is not destroyed, he is even forbidden to the growths of their growths. (*Here we see that that the growth of the onion does not nullify the root; this is not consistent with Rabbi Yannai's ruling!?*)

Rabbi Abba answers: *Konamos* are different, for since one can have his *neder* annulled (*by going to a Beis Din*), it is regarded as “something that can be permitted,” and therefore, it will not become nullified in a majority.

The *Gemora* asks: But *terumah* can also be annulled, and yet, we see that it becomes nullified in a

majority? The *Gemora* cites a *Mishna* supporting this question.

The *Gemora* answers: *Konamos* are different because there is a *mitzvah* for one to have his *neder* annulled. This is based upon Rabbi Nosson’s teaching: Whoever makes a vow it is as if he built a private altar for himself (*when they are forbidden to be used, see Ran*), and someone who upholds the vow is as if he brought a sacrifice on that altar. This is in contrast to *terumah*, where there is no *mitzvah* to annul it! (59a)

### ***Where did it go?***

Rabbi Yochanan had stated above: If a person took off the proper tithes from a *litra* of onions and then planted them, one must separate *ma'aser* from the entire new crop (*even on the original litra*).

Rabbah was sitting and said this ruling over before Rav Chisda. Rav Chisda asked him: Who will listen to you and to your teacher Rabbi Yochanan? Where did that permitted original *litra* go?

### ***The Ra”n Elucidated***

[Even if you say that permitted growths nullify the original part which was forbidden, there the reason is that since the growths were more than the original part, it emerges that when he eats them, he doesn't taste the flavor of the forbidden thing at all, so even though the forbidden part is still there and mixed in, it is permitted. But with respect to *ma'aser*, since there is a Biblical requirement to separate *ma'aser* according to the amount of *tevel*, why is it tithed according to all of it? Where did the permitted part that is in it go?]

Rabbah replies: Didn't we learn similarly in a *Mishna*: Onions that grew in the sixth year and rain caused them to grow during the seventh year the *halacha* is as follows: If their leaves are black, they are forbidden (*because this indicates that they grew from the nutrients of the ground during Shemitah*). However, if their leaves were yellow, they are permitted. Now, even if it black, why will they be entirely forbidden? Where has the permitted part gone?

### ***The Ra"n Elucidated***

*[The Mishna should not have made a general statement that they are forbidden, because the permitted part will not confer the status of Shemitah to their value as the Shemitah produce itself! So if he exchanged an amount equal to the permitted part, the item exchanged will not become subject to the halachos os Shemitah. Rather, the growth certainly completely nullifies the original part as if it didn't exist, because even the original part itself has been changed by means of its growth.]*

Rav Chisda responded: The *Mishna*, when it says that it is forbidden, is only referring to the new growth; not to the original root.

Rabbah asked Rav Chisda: If so, what is Rabban Shimon ben Gamliel coming to say? For we learned in a *braisa*: Rabban Shimon ben Gamliel said: Whatever grew during the time of obligation (*during Shemitah, when there is a requirement for removal*), is subject to the *Shemitah halachos*; whatever grew beforehand, is exempt from this obligation.

According to you, the *Tanna Kamma* is stating the same opinion!?

Rav Chisda replied: The entire *braisa* is expressing the opinion of Rabban Shimon ben Gamliel.

Rabbah says: Rabban Shimon ben Gamliel only rules that the new growth cannot transform the original root into something forbidden only when the person did not exert himself (*to nullify it*); however, where he did exert himself, it will become nullified in the majority.

The *Gemora* asks: And is it true that whenever he exerts himself, the root becomes nullified in the majority! But we learned above that if there was a *litra* of untithed *ma'aser* (*the ma'aser rishon was separated from it, but the terumas ma'aser was not yet taken from it*) that was planted in the ground (*prior to Shemitah*) and it improved during *Shemitah* and it is now ten *litra*, the *halacha* is as follows: He must separate *terumas ma'aser* from it and it has the sanctity of *Shemitah*. The *terumas ma'aser* that he takes off for the original *litra* must be from somewhere else (*because the other nine litra are not obligated in terumas ma'aser, for it grew during Shemitah, and Shemitah produce is ownerless; all ownerless produce is exempt from ma'aser*), according to the amount of untithed *ma'aser* that was here before. Now, in this case, he exerted himself, and nevertheless, he is required to separate *ma'aser* from the original *litra*, and it is not nullified in the nine *litra* that grew free of the *ma'aser* obligation?

The *Gemora* answers: The *halacha* regarding *ma'aser* is different because of that which is Scripturally written [Devarim 14:22]: *Tithe you shall tithe all the produce of your seed.* It is customary for people to plant permitted produce, but not forbidden produce.

### ***The Ra"n Elucidated***

[*The Torah is saying that even your seed that you sowed, that was already tithed, you are required to tithe again, because the original part has become nullified by the growths. But since it says "your seed," the implication is that it is only that which is permitted, because this is the manner of people. So concerning permitted things it says that the growths nullify the original. But forbidden things are not called "your seed" because people generally do not plant them. So the implication of the word "your seed" is that in the case of forbidden things, the growths do not come and nullify the main part.*] (59a - 59b)

### ***Growth of Terumah***

The *Gemora* stated above: Rabbi Chanina Trisai in the name of Rabbi Yannai: An onion of *terumah* that was planted and its growths became more than the original onion, is permitted (*including the original onion*).

The *Gemora* asks: Does this mean to say that the permitted growths nullify the forbidden roots? But we learned in a *Mishna* that the growths of *terumah* are regarded as *terumah*?

The *Gemora* answers: Rabbi Yannai is referring to the growths of the growths.

The *Gemora* asks: But we have learned that the growths from the *terumah* growths are *chullin!* What is the novelty of Rabbi Yannai's teaching?

The *Gemora* answers that Rabbi Yannai was referring to a case where the seeds do not decompose. It, nevertheless, is able to nullify the *terumah* growths.

The *Gemora* asks: But we have learned in a *Mishna* that where the seed does not decompose, the growths of the growths are forbidden?

The *Gemora* answers: Rabbi Yannai is teaching us that if the new growths are the majority, the roots are permitted. (59b – 60a)

WE SHALL RETURN TO YOU,  
HANODER MIN HAYARAK

### **INSIGHTS TO THE DAF**

#### ***Women and Shemitah***

The Chinuch states that there is a positive commandment which forbids plowing on Shemitah. It is written [Shmos 34:21]: From plowing and harvesting you shall desist.

The Minchas Chinuch (112) asks that if so, women should be exempt from this *mitzvah*, and they should be permitted to plow on *shemitah* because it is a positive commandment that has a time element to it and the principle is that women are exempt from any positive *mitzvah* which is governed by time?

He answers that women are obligated in this *mitzvah* because that rule is applicable only regarding a positive *mitzvah* that is incumbent on the body of the person and not a *mitzvah* like *shemitah*, which is a *mitzvah* that is dependent on the land (*mitzvos hateluyos ba'aretz*). This can be better understood based upon our *Gemora* which says that the *shemitah* prohibition is on account of the ground.

Proof to this distinction is cited from the Ritva in Kiddushin (29a). The *Gemora* rules, based on a Scriptural verse that women are not obligated to perform a circumcision on their sons. *Tosfos* asks: Why is a verse necessary; circumcision is a positive *mitzvah* which is governed by time since the *mitzvah* can only be performed by day, and women are exempt? The Ritva answers: Any *mitzvah* which is not related to the person themselves; this principle does not apply. The *mitzvah* of *milah* is to perform the circumcision on the son and therefore women would be obligated if not for the special verse teaching us otherwise.

## DAILY MASHAL

### *Pigs in the Future*

The Rishonim disagree regarding a food item that the *Gemora* is uncertain if it is forbidden or not and it remains unresolved. The inquiry will remain in that state until Eliyahu Hanavi clarifies it for us. The Ohr Zarua maintains that this is regarded as “something which can become permitted,” since there is a possibility that Eliyahu will say that it is permitted. The Rashba disagrees and he explains: If Eliyahu will decide that the food is forbidden, it will emerge that this item will never be permitted. If he will rule that

it is permitted, it actually was never forbidden. Either way, he argues, it cannot be labeled as “something which can become permitted.” The Bach cites a Mordechai that it is not considered “something which can become permitted,” for by the time Eliyahu will permit it, the food will be already ruined.

The Chasam Sofer cites the following question from the Rav in Frankfurt: Chazal write that a pig is called a “chazir,” for in the future, Hashem will reverse the prohibition of the pig and it will be permitted. If so, according to those Rishonim, pig should be regarded as “something which can become permitted”?

The Chasam Sofer answers based upon that which was written in the Toldos Yitzchak: The Torah forbids animals that do not have split hooves, or those that do not chew their cud because those animals are naturally conceited; they trample with their feet and they have a poison inside of them, which is extremely dangerous for a Jew to eat. The animals that do not digest their food easily and they are compelled to chew their cud; those animals are permitted to eat.

If so, explains the Chasam Sofer, there will be no change in *halacha* regarding the pig. It was forbidden and will remain forbidden. Rather, Hashem will change the nature of the pig and it will begin to chew its cud. That is why it will be permitted then. Accordingly, the only pigs that will be permitted then, are those that will be born after this change occurs; however, the pigs that were in existence prior to that will remain forbidden. This is why a pig is not classified as “something which can become permitted.”