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Pesachim Daf 52

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Similarly, he who transports Shemittah produce etc. Does then Rabbi Yehudah not accept what we learned: We lay on him the restrictions of the place from where he departed and the restrictions of the place where he has gone? — Said Rav Shisha the son of Rav Idi, Rabbi Yehudah says a different thing, and this is its meaning: or from a place where it has not ceased to a place where it has not ceased, and then he heard that it had ceased in his town, he is bound to remove it. Rabbi Yehudah said: [He can say,]¹ ‘Do you too go out and procure [produce] for yourself from the place from where I have obtained it’, since it has not ceased for them.²

Shall we say that Rabbi Yehudah [thus] rules leniently? But surely Rabbi Elozar said, Rabbi Yehudah did not rule otherwise than stringently? Rather, reverse it: He is not bound to remove it.³ Rabbi Yehudah said: [His townspeople can say to him], ‘Do you too go out [now] and obtain [produce] from the place from where you

brought it [the produce you possess], and lo! it has ceased’.⁴

Abaye said: In truth it is as taught,⁵ and this is what he states: Or from a place where it has not ceased to a place where it has ceased, and [then] he brought it back to its place, and it has still not ceased [there], he is not bound to remove it. Rabbi Yehudah said: [They can say to him,] ‘Go out and do you too bring [produce] from the place from where you have [now] brought it, and lo! it has ceased [there]’. To this Rav Ashi demurred: According to Rabbi Yehudah, has he then caught them [these restrictions] up on the back of the donkey!⁶ Rather, said Rav Ashi, [This enters] in the controversy of the following Tannaim. For we learned: If a man preserves three [kinds of] preserves in one barrel,⁷ — Rabbi Eliezer said: One may eat [in reliance] upon the first [only];⁸ Rabbi Yehoshua said: Even [in reliance] upon the last;⁹ Rabban Gamliel said: Whatever kind has

¹ To the people of the place whence he came.

² Thus, he does not regard the practice of his own town, since they too can do as he.

³ I.e., insert the addition in the Mishnah thus: Or if he goes from a place where it has not ceased to a place where it has not ceased, and he then learns that it has ceased in his own town, he is not bound to remove it, as one cannot speak of the restrictions of the place from where he came, for when he left it there were as yet no restrictions.

⁴ I.e., the fact remains that by now it has ceased in your own town, and the ensuing law applies to yourself too just as to us.

⁵ It refers to two dissimilar places, not to two similar places.

⁶ So that he brings them back with him! The produce has neither grown in that second town nor does he consume it there; how then can he be subject to the restrictions of that place?

⁷ I.e., three different vegetables. These may ‘cease from the field’ at different times — the reference is to the Shemittah year.

⁸ As soon as the first kind ‘ceases from the field’, he must declare the whole free to all, because their being preserved together makes them as one.

⁹ He may go on eating of all three until the last kind has ceased from the field.

ceased from the field, he must remove that kind from the barrel, and the halachah is as his ruling.¹⁰

Ravina said, [It enters] into the controversy of the following Tannaim. For we learned: One may eat dates until the last in Tzoar is finished;¹¹ Rabban Shimon ben Gamliel said: One may eat [in reliance] on those that are among the upper [overarching] boughs but one may not eat [in reliance] on those that are among the single prickly branches.¹² (52a1 – 52a2)

We learned elsewhere: There are three [separate] districts in respect of removal: Yehudah, Trans-Jordan and Galilee;¹³ and there are three districts in each of them separately.¹⁴ Then why did they say, There are [only] three districts in respect of removal?¹⁵ Because in each one they may eat until it [the produce] has ceased in the last [region].¹⁶ From where do we know it? — Said Rav Chama bar Ukva in the name of Rabbi Yosi bar Chanina, Scripture said, [And the Shemittah-produce of

the land shall be food for you...]and for your cattle, and for the beasts that are in your land: as long as the [wild] beasts can eat in the field, feed the cattle in the house; when there is no more for the beasts in the field, make an end of it for the cattle in the house;¹⁷ and we have it on tradition that the beasts in Yehudah do not live on the produce of Galilee, and the beasts in Galilee do not live on the produce of Yehudah.¹⁸ (52b1)

Our Rabbis taught: Produce which went from Eretz Yisroel abroad must be removed wherever it is.¹⁹ Rabbi Shimon ben Elozar said: They must go back to their [original] place and be removed, because it is said, ‘in your land’. But you have utilized this? — Read ‘in the land’, ‘in your land’.²⁰ Alternatively, [it is deduced] from, ‘that are [asher] in your land’.²¹

Rav Safra went from Eretz Yisroel abroad, [and] he had with him a barrel of wine of the Shemittah year. Now, Rav Huna the son of Rav Ika and Rav Kahana

¹⁰ Now in the Mishnah there is the same controversy. The first Tanna agrees with Rabbi Yehoshua's lenient view, and this is what he means: If a man carries various kinds of produce from a place where they have not ceased to a place where all of them have ceased, he is bound to remove them. But if only some kinds have ceased, he may eat even of the kind which has ceased. Rabbi Yehudah rules, One can say to him, ‘Go out and do you too bring of that kind from the field’, i.e., you will not find of that kind, and therefore you must remove it in accordance with Rabban Gamliel.

¹¹ Dates may be eaten in the whole of Yehudah until the last palm tree is finished in Tzoar, a town near the Dead Sea particularly well-stocked with palm trees.

¹² The lower portion of the palm tree near the roots is surrounded with single prickly, thorn-like branches. Now, when a wind blows, the falling dates are retained both among the ordinary (upper) branches as well as the prickly ones. Rabban Shimon ben Gamliel rules that you may eat only as long as there are dates among the higher branches, which are accessible; but those (in the prickly branches must be disregarded, since animals cannot take them because of the prickles. In our Mishnah the first Tanna means: When they have completely

ceased, even from the prickly branches, he must remove them. Whereas Rabbi Yehudah maintains that unless one can go and bring them, i.e., unless they are accessible, he must remove them, which means even if there are still dates on these thorn branches.

¹³ In each the time of removal is when the produce has ‘ceased from the field’ in that particular district.

¹⁴ The produce ceasing in each at a different time.

¹⁵ Instead of nine.

¹⁶ Until it has ceased in the last subdivision.

¹⁷ I.e., you must no longer keep the produce in the house for your private needs.

¹⁸ I.e., they do not stray so far in search of food.

¹⁹ The law of Shemittah produce, being dependent on the soil, is binding in Eretz Yisroel only; yet it is also binding upon Eretz Yisroel produce, even when transplanted elsewhere. Nevertheless, he is not bound to take it back to Eretz Yisroel for removal, but can do it wherever he is.

²⁰ I.e., Scripture could have written ‘in the land’, which would suffice for the present exegesis. In your land intimates both.

²¹ ‘Asher’ is superfluous; hence it can be used for this purpose.

accompanied him. He asked them: Is there anyone who has heard from Rabbi Avahu [whether] the halachah is as Rabbi Shimon ben Elozar or not? — Said Rav Kahana to him: Thus did Rabbi Avahu say: The halachah is as Rabbi Shimon ben Elozar. Rav Huna the son of Rav Ika [however] said to him, Thus did Rabbi Avahu say: The halachah is not as Rabbi Shimon ben Elozar. Said Rav Safra: Accept this ruling of Rav Huna, because he is meticulously careful to learn the laws from his teacher, like Rechavah of Pumbedisa. For Rechavah said in Rav Yehudah's name: The *Har Habayis*, the Temple Mount, was built as a double row of benches, one row inside the other.²² [Thereupon] Rav Yosef applied to him [Rav Safra] the verse, My people inquires of its wood, and its staff [makkelo] declares unto it: whoever is lenient [mekal] to him, to him he concedes [right].²³ (52b1 – 52b2)

INSIGHTS TO THE DAF

Based on the Gemora, a person from Eretz Yisrael is not allowed to perform melachah that is normally forbidden on Yom Tov if he is outside of Eretz Yisrael on a second day of Yom Tov. This is because, as Tosfos states, people will realize that he is doing melachah even if he is in private, because people generally find out about someone who is doing melachah. Although one might claim that he can easily do a melachah such as cutting his nails without anyone finding out about it if he does so in a close locked room, almost all commentators do not differentiate between various types of melachah. This is also the ruling of the Mishna Berura (468:17). The Mishna Berura (496:11) mentions that there is an argument regarding the definition of a settlement vs. a desert. Some opinions say that the

term “settlement” applies in any settled area outside of Eretz Yisrael. However, some are lenient that a “settlement” is only a place where there are Jews settled there. According to the lenient opinion, if someone is stuck where there is no Jewish community, he may be perform melachah.

An interesting question comes up regarding chametz. Can a person from Eretz Yisrael consume chametz on the last day of Pesach for people from outside of Eretz Yisrael (assuming he could get the chametz without performing melachah)? The Aruch Hashulchan (496:5) and Halichos Shlomo (Yemei Ha’Pesach #19) say that he cannot, although for different reasons.

²² These benches were akin to the benches that were placed in front of shops.

²³ A humorous play on words, connecting makkel, a staff, with mekal, he is lenient.