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Pesachim Daf 53

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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

Rabbi Ilai cut down date berries of a palm tree during a Shemittah year.

The *Gemora* asks: How was he allowed to do this, seeing that the Torah said: *It shall be for food*, and we derive: but not for destruction? And should you answer that is only where it has reached the stage of (*fully ripened*) fruit, but not where it has not reached the stage of (*fully ripened*) fruit; surely Rav Nachman said in the name of Rabbah bar Avuha that the calyxes surrounding dates in the state of *orlah* are forbidden, since they are the “protector” of the fruit. Now, when do they protect the fruit? It is only in the early stages of its growth (*before the date ripens*), and yet, he calls them a fruit!?

The *Gemora* answers: Rav Nachman holds like Rabbi Yosi (*who maintains that a date - even in the early stages of its growth - is referred to as a date*), as we have learned in a *Mishna*: Rabbi Yosi says: The grape bud is forbidden (*as orlah*) because it is a fruit; but the Rabbis disagree with him.

Rav Shimi from Nehardea asked on this explanation: Do the Rabbis disagree with him in respect of other trees? Have we not learned in a *Mishna*: At what stage must we refrain from cutting trees during a *Shemittah* year? Beis Shammai say: In the case of all trees, from the time they produce fruit. Beis Hillel

say: In the case of carob trees, from the time when they form chains; in the case of vines, from the time when they form grapes the size of a *geru’a* (*which will be explained below*); in the case of olive trees, from the time when the *neitz* appears (*around the fruit*); in the case of all other trees, from the time when they produce fruit. And Rav Assi said: *Boser* (*young grape*) and *geru’a* and the white bean are all the same.

The *Gemora* interjects: ‘White bean,’ do you say? [*Boser and geru’a are grapes, not beans!?*]

The *Gemora* answers: The size of them (*the boser and geru’a*) is that of the white bean.

[*Now, this is a later stage than that of semadar, when the blossom first falls off, for at that point, the grape bud is even smaller than a white bean!*] Now, which authority did you hear ruling that the *boser* (*young grape*) is a fruit, but *semadar* (*the grape bud*) is not? It is the Rabbis (*who dispute R’ Yosi regarding orlah*), and it is they who state that we must refrain (*during Shemittah*) from cutting down all other trees from the time when they produce fruit! [*This proves to us that regarding other fruits, such as a caper or date, the Rabbis agree with R’ Yosi that a young fruit is still regarded as a fruit, and therefore, R’ Ilai would be forbidden from destroying a date berry of Shemittah!?*]

Rather, the *Gemora* answers, Rabbi Ilai cut down a male palm tree (*whose fruit do not ripen on the tree*).

The *Gemora* cites a *braisa*: One may eat grapes of the Shemittah year until the vine arbors of Ochel are finished (*for if they are finished there, they are certainly finished in all other areas of Eretz Yisroel*). If there are later ones than these, one may eat in reliance on them. One may eat olives until the last of Tekoa is finished. Rabbi Eliezer said: Until the last of Gush-Chalav is finished, so that a poor man should go out and not find a *rova* (*a certain volume*) either on the branches or on the main parts. One may eat dried figs until the figs of Beis Hini are finished. Rabbi Yehudah said: The figs of Beis Hini were not mentioned except in connection with tithe, for it was taught: The figs of Beis Hini and the dates of Tovyana are subject to the laws of tithing.

The *braisa* had stated: One may eat dates until the last in Tzoar is finished. Rabban Shimon ben Gamliel said: One may eat dates in reliance on those that are among the palm branches, but you may not eat in reliance on those that are among the thorns.

The *Gemora* asks: But the following *braisa* contradicts this: One may eat grapes until Pesach; olives until Shavuot; dried figs until Chanukah; and dates until Purim. Now Rav Bibi said that Rabbi Yochanan transposes the last two! [*In any event, the deadline is not according to the city of Tzoar, like was stated in the first braisa!?*]

The *Gemora* answers: Both are the same deadline. Alternatively, surely it is explicitly taught: If there are

later ones than these, one may eat in reliance on them.

It was taught in a *braisa*: Rabban Shimon ben Gamliel said: An indication of mountainous country is the presence of gallnut trees; an indication of valleys is palm trees; an indication of streams is reeds; an indication of plains is the sycamore tree. And though there is no proof of the matter, there is an allusion to the matter, for it is written: *And the king made silver to be in Jerusalem as stones, and he made cedars as abundant as the sycamore trees that are in the plains*.

The *braisa* had stated: An indication of mountainous country is the presence of gallnut trees; an indication of valleys is palm trees. The *Gemora* notes: The practical difference is in respect of *bikkurim* (*the first ripe fruits of any of the seven species with which the Torah praises Eretz Yisroel, which had to be brought to the Beis Hamikdosh in Yerushalayim*), for we learned in a *Mishna: Bikkurim* may be brought only from the seven species. And they are not brought from the dates in the mountains (*which are inferior due to its sweetness*) nor from the produce in the valleys (*which rot due to the water that collects there*).

The *braisa* had stated: An indication of streams is reeds. The *Gemora* notes: The practical difference is in respect of the raging stream. [Nachal Eisan is a stream which in summer dries up and leaves a valley bed. The presence of reeds along the margin of the valley indicates that this is a fitting place for the purpose. This is relevant for the laws of *eglah arufah* (*the law is that upon finding a corpse, and being unable to solve the murder, the leaders of the city*

closest to the corpse are required to bring a calf to an untilled valley, decapitate it, wash their hands over it, and then they must recite a verse, declaring publicly that they did not kill the person).]

The *braisa* had stated: An indication of plains is the sycamore tree. The *Gemora* notes: The practical difference is in respect of buying and selling. [If a man sells a plain, it must contain sycamores.]

The *Gemora* notes: Now that you have arrived at this, all the others as well are in respect of buying and selling.

The *Mishna* says that selling small animals to idolaters depends on the local practice - in a place where they have a custom to permit the sale, it is permitted, but in a place where they have the custom to forbid it, one may not. Everywhere, however, one may not sell large animals, including calves and young donkeys, whether intact or broken. Rabbi Yehudah permits one to sell broken ones, while ben Besairah permits one to sell horses.

In a place where the custom was to eat roasted meat on the nights of Pesach, we may eat it; in, however, a place where the custom was not to eat it, we may not eat it.

Rav Yehudah said in the name of Rav: It is forbidden for a person to say, "This meat is for pesach," for it looks like he is consecrating his animal (as a sacrifice), and eating sacrificial food outside (of Jerusalem).

Rav Pappa said: This applies only by meat, but not by wheat, for he is saying (by wheat) that it shall be

guarded for the (festival of) Pesach.

The *Gemora* asks: And meat is forbidden? But it was taught in a *braisa* by Rabbi Yosi: Todos of Rome instituted that the Jews of Rome should eat a kid that was roasted along with its entrails on Pesach night. The Rabbis sent Todos a message, saying: If you were not Todos (*a great scholar and respected personage in the community*), we would have excommunicated you because you are causing Jews to eat *kodashim* - sacrificial meat, outside of Yerushalayim. [*With this declaration the Sages meant that the roasted goats would be akin to sacrifices, and they should be prohibited to eat because people will mistakenly assume that one can bring an offering outside of Yerushalayim.*]

The *Gemora* asks: Does it enter your mind that these animals were actually offerings?

The *Gemora* answers: The *braisa* meant that he was close to causing them to eat offerings outside (of Jerusalem). [*With this declaration the Sages meant that the roasted goats would be akin to sacrifices, and they should be prohibited to eat because people will mistakenly assume that one can bring an offering outside of Yerushalayim.*]

The *Gemora* asks: Only a goat with its entrails alongside it was forbidden, but otherwise, it is permitted?

The *Gemora* answers: I will tell you: If its entrails are alongside, there is no difference whether he stated ("This meat is for Pesach"), or he did not state; but if



its entrails are not alongside, then if he specified, it is forbidden; if he did not specify, it is not forbidden.

Rav Acha learned this *braisa* (concerning Todos) as the statement of Rabbi Shimon (and not R' Yosi).

Rav Sheishes asked: It is well according to the one who learns it as the statement of Rabbi Yosi, then it is correct; but according to the one who learns it as the statement of Rabbi Shimon, is it correct? Surely we learned in a *Mishna*: [If a person said, "I obligate myself to bring a *korban minchah* from barley" (and all voluntary meal offerings are made from wheat flour, not barley), he is required to bring a *minchah* made from wheat.] Rabbi Shimon exempts him from bringing any *minchah*, for he did not donate in the ordinary manner.

Ravina said to Rav Ashi: And is it correct even according to the one who learns it as the statement of Rabbi Yosi? Surely Rava said: Rabbi Shimon stated this according to the view of Rabbi Yosi, who maintained: A man is held responsible for his last words as well. Surely then, since Rabbi Shimon agrees with Rabbi Yosi, Rabbi Yosi also agrees with Rabbi Shimon?

The *Gemora* answers: No: Rabbi Shimon agrees with Rabbi Yosi, but Rabbi Yosi does not agree with Rabbi Shimon.

The scholars inquired: Was Todos, the man of Rome, a great man or a powerful man?

The *Gemora* cites proof from a *braisa*: Todos of Rome expounded the following as well:

Chananyah, Mishael, and Azaryah learned from the frogs that plagued Egypt that they should allow themselves to be thrown into a fiery furnace to sanctify Hashem's Name, rather than serve idols. They reasoned that if the frogs that were not commanded in the mitzvah of sanctifying the Name of Hashem, and nevertheless, they did so anyway when they went into the hot ovens of the Egyptians, certainly they who were commanded to sanctify Hashem's Name should sacrifice their life in order not to worship idolatry.

Rabbi Yosi bar Avin said: He put merchandise into the purses of Torah scholars, for Rabbi Yochanan said: Whoever puts merchandise into the pockets of scholars will be privileged to sit in the Heavenly Academy.

There are different customs in different places regarding whether or not one should light a candle in his house on Yom Kippur night.

The *Gemora* records that both customs were based on the same basic intent, namely that one should remind himself not to have relations with his wife on the night of Yom Kippur. The custom to light a candle is in order that one will not have relations, as one does not have relations when there is light in the room. The custom not to light a candle is in order that one should not see his wife at night, and therefore will not be enticed to have relations with her.

INSIGHTS TO THE DAF

The Shulchan Aruch (Yoreh Dei'ah 151:4) states that the law that a person is forbidden to sell a large animal to a gentile does not apply today. The commentaries explain that while Jews used to live in large communities together, and they therefore could exist by selling these animals solely to each other, today that they often cannot make a living by selling the solely to each other they are allowed to sell to gentiles as well. However, one still may not lend his animal to a gentile, as this will very possibly lead to his animal doing melachah over shabbos.

In a figurative sense, we can suggest that this refers to the statement in the *Gemora* that wherever the Chachamim set their eyes, there was either poverty or death. We know that a pauper is akin to being dead. Thus, if the Chachamim were to set their eyes on someone, he would either be poor or dead. The *Gemora* also states that the true pauper is in knowledge, so if the Chachamim sent Todos a message informing him of his error, they rendered him a pauper in knowledge, and this was sufficient for Todos to understand his error and retract his position.

DAILY MASHAL

Todos' Retraction

The *Gemora* states that Rabbi Yosi said that Todos of Rome instituted that the Jews of Rome should eat a whole goat that was roasted along with its entrails on Pesach night. The Chachamim sent Todos a message, saying, "If you were not a great scholar and respected personage in the community, we would have excommunicated you because you are causing Jews to eat kodashim, sacrificial meat, outside of Jerusalem."

Why does the *Gemora* not record a response from Todos, if he was in violation of the words of the Chachamim?

Perhaps we see from here the precept that one who violates the words of the Chachamim is liable the death penalty.