



Volume 10. Issue 35

The Chumrot of Beit Hillel

The fourth *perek* lists the debates between *Beit Shammai* and *Beit Hillel* where *Beit Hillel* take the more stringent position. The fifth *Mishnah* records the debate regarding *Kerem Revai*. One is not allowed to eat from a fruit tree during its first three years. Fruit from the fourth year must be taken to *Yerushalaim* and eaten there. One is able redeemed the fruit with money and purchase food in *Yerushalaim* to ease the transport burden. This law applies to fruit trees (*Neta Revai*) and grapevines (*Kerem Revai*).

Thus far *Kerem Revai* sound much like *Maaser Sheni* – the second tithes separated on the first, second, fourth and fifth years of the *shmittah* cycle. Whether it shares more of laws with *Maaser Sheni* is the subject of debate. *Beit Hillel* maintains that the obligation to add *chomesh* (25% of the value) when redeeming it with money and the obligation to remove it (*biur*) *erev Pesach* in the fourth and seventh years also applies to *Kerem Revai*. These are indeed *chumrot*. *Beit Hillel* however adds that just like *Maaser Sheni*, it is considered *mamon gavoah* (heavenly property) and exempt from *peret* and *olelot*, which are usually left for the poor. At first glance *Beit Hillel* appears to be taking the lenient position that does not fit in with the theme of this *perek*.

The *Tosfot Yom Tov* cites the *Raavad* that explains that while it is a leniency for the property owner, it is a stringency with respect to the poor. The *Tosfot Chadashim* raises a difficulty with reframing it this way. In the previous *Mishnah* where *Beit Shammai* and *Beit Hillel* argue regarding a case related to *shichecha* (another gift to the poor) and *Beit Hillel* rules that it must be left for the poor and it is understood the *Beit Hillel* ruling stringently. The logic applied in our case appears to be reversed.

The *Tosfot Chadashim* suggest that in our case even though the owner may keep the *peret* and *olelot* this is because, as we have explained, it is considered *mamon gavoah*. That itself entails a stringency - it cannot be used for *kidushin* (betrothal) as it is not considered the person's property. The *Tifferet Yisrael* however asks that if one tried to use it in *kidushin*, *Beit Shammai* would be more stringent as he would say the woman is betrothed and forbidden to marry another man. Nevertheless the *Tifferet Yisrael* list many other *chumrot* that apply if we consider *Kerem Revai* as being *mamon gavoah*. Even though there might be some leniencies, the very fact that it is *kadosh* according to *Beit Hillel* is the *chumrah*.

The *Shoshanim Le'David* however attempts to defend the *Raavad* by differentiating between this case and the case of *shichecha*. In the case of *shichecha* if it belonged to the *Baal HaBayit* then it is his without any extra effort. In our case however, if the *peret* and *olelot* belong to the *Baal Habayit* it is still *Kerem Revai* and he must either take it or the money used to redeem it to *Yerushalaim*. Considerations of stringency and leniency are finer with respect to the owner and are therefore shifted to the *ani*.

The *Chidushei Mahariach* directs us to the *Tosfot Yom Tov* in *Peah* (7:6). He cites the *Rambam* who rules (as with *Maaser Sheni*) that one is obligated to press the grapes first before redeeming it or taking it to *Yerushalaim*. The *Tosfot Yom Tov* asserts that this explains *Beit Hillel*'s language that "it all goes to the press". According to *Beit Shammai*, the *peret* and *olelot* can be given straight to the poor for them to press. The *Chidushei Mahariach* explains that is a *chumrah* for *Beit Hillel* in that the *Baal Habayit* is obligated to press even the *peret* and *olelot*.

Yisrael Yitzchak Bankier

Revision Questions

עדינות גי: יי די: ייא

- Which three laws does *Rabban Gamliel* rule stringently like *Beit Shammai*? (גי: יי)
- What are *Rabban Gamliel*'s three *kulot*? (גי: ייא)
- Which three things does *R' Elazar ben Azarya* permit, yet the *Chachamim* forbid? (גי: ייב)
- How many laws listed does *Beit Hillel* rule more stringently than *Beit Shammai*? (די)
- What are the opinions of *Beit Shammai* and *Beit Hillel* regarding:
 - An egg that was laid on *Yom Tov*? (די: יא) For what other items that are "born" on *Yom Tov* does everyone agree is *mutar*? Is *assur*? (בי: די)
 - The minimum measure of *se'or* and *chametz* that are *assur* on *Pesach*? (די: יא)
 - Slaughtering a *chaya* or *ohf* on *Yom Tov*? (בי: די)
 - *Hefker*? (די: יג)
- If a sheaf is left in the field, next to which four things does *Beit Shammai* maintain that it is not *shichecha*? (די: יד)
- Which two laws applying to *ma'aser sheni*, does *Beit Shammai* maintain do not apply to *kerem reva'i*? (די: יה)
- Who maintains that *peret* and *olelot* do not apply to *kerem reva'i*? (די: יז)
- When do *Beit Shammai* and *Beit Hillel* agree that a barrel containing olives undergoing pickling need not be punctured? (די: יח)
- If a person immerses in a *mikvah* covered in oil, what is the difference between if the oil was *tameh* before or after it was applied? (Include both opinions.) (די: יט)
- What is a *get yashan* and explain the debate regarding whether it can be used? (די: יא)
- When do *Beit Shammai* and *Beit Hillel* agree that a man that is *meyached* with his ex-wife in a *pundeki* need not give her another *get*? (די: יב)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding *tzarot ervah* and what are three implication of this debate. (די: יג)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding the power of a *ma'amar* and what case is brought as an implication of this debate. (די: יד)
- What are the two opinions regarding the limit to how long a man can make a *neder* regarding his wife and *tashmish mita*? (די: יה)
- Explain the debate between *Beit Shammai* and *Beit Hillel* regarding:
 - Putting *tzitzit* on linen clothing.
 - Untithed fruit placed in a basket set aside for *Shabbat*. (די: יז)
 - A person that accepted and completed many terms of *nezirut* outside Israel and then moved to Israel.
 - Two contradicting sets of witnesses who testify regarding the number of terms of *nezirut* a person accepted. (די: ייא)

Local Shiurim

Melbourne, Australia

Sunday -Thursday
10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat
10 minutes before *Mincha*
Beit Ha'Roeh
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th October ט' חשוון	14 th October י' חשוון	15 th October י"א חשוון	16 th October י"ב חשוון	17 th October י"ג חשוון	18 th October י"ד חשוון	19 th October ט"ו חשוון
Eduyot 4:12-5:1	Eduyot 5:2-3	Eduyot 5:4-5	Eduyot 5:6-7	Eduyot 6:1-2	Eduyot 6:3-7:1	Eduyot 7:2-3

