



Fig Tree in a Courtyard

The *Mishnah* (3:8) teaches that if one has a fig tree growing in their courtyard, they are able to eat one fig at a time without separating *maaserot*. If however they take two, *maaserot* would need to be separated prior to consuming the figs. We shall try to understand this *Mishnah*.

The *Mishnah Rishona* explains that the reasons for the distinction between taking one or two figs is the same as what we learnt previously in the case of *mekach* – a sale (2:5). Recall that we learnt that a sale is *koveah*. In other words, after that sale one can no longer eat from the food, even as a snack, without first separating *maaserot*. The *Mishnah* taught that if one purchased figs from a fig tree, they can pick and eat them one at a time. If however the purchaser took two, then they would be required to separate *maaserot*. The *Mishnah Achrona* there explains that a *mekach* is only *koveah* for food that has reached *gmar melacha* (all the required work is complete). When taking the figs to eat them, combining two together (*tziruf*) is equivalent to forming a pile and therefore reaching *gmar melacha*. It would seem that our case of the *chatzer* is the same. A *chatzer* is also only *koveah* for food that has reached *gmar melacha*. Consequently, if one picks two figs from the tree at the same time, then they would need to first separate *maaserot*.

R' Chaim (*Beur Halacha* 4:15) notes that the *Chazon Ish* also understands our *Mishnah* in this way. According to this understanding, it does not matter whether the fig tree was standing in the *chazer* or it was outside and figs were being brought inside. In both cases, one could only take one fig inside the *chazer* at a time.

R' Chaim however cites the *Markevet HaMishnah* who provides a different understanding. He explains that if one eats one at a time from the fig tree, it is as if the fig never entered the *chatzer*. Instead, it is considered as if one climbed into the tree and ate them there, which one is allowed to do. Accordingly, in this context (but not regarding a sale) even one fig is considered as if it has

reached *gmar melacha*. That is because the only thing allowing its consumption is that fact that it is not considered as if it has reached the *chatzer*. It follows that one can only eat the single fig in this case, where the fig was picked from the tree that was growing inside the *chatzer*. If however the fig was brought into the *chatzer* from the field, even if it was only one fig, one would be required to separate *maaserot* before eating it. Put simply, in that case, a fig that has reached *gmar melacha* has reached the *chatzer*.

While the *Mishnah Rishona*'s explanation may appear to be the simpler way of understanding the *Mishnah*, we find the position of the *Markevet HaMishnah* in *R' Chaim*'s commentary on the *Yerushalmi*.

The *Yerushalmi* (3:4) asks what the law is regarding a fig that fell from the tree. Can one take them back to the top of the tree and eat them there? We learnt that if one wants to eat figs that he is collecting, then once he takes as much figs as he needs, it is considered as if it has reached *gmar melacha*. *R' Chaim* explains that the *Yerushalmi* understands that if one is eating them immediately, even one fig is considered as if it has reached *gmar melacha*. Note, that this same *Mishnah* taught that eating while up in the tree is permitted. Therefore, the reason why in our case one can eat one at a time from the tree, is because it is considered as if it has not entered *chatzer* (as the *Markevet HaMishnah* explained). Consequently, the *Yerushalmi* asks whether the figs that fell into the *chatzer* can be retrieved.

We see clearly that that the *R' Chaim* understands that the *Yerushalmi* understood our *Mishnah* like the *Markevet HaMishnah*'s explanation. For the sake of completeness, the *Yerushalmi* answer that the case of the figs that fell from the tree is equivalent to food that reached *gmar melacha* and was mistakenly brought into the *chatzer*. In that case, since they were brought inside in error, they can be taken out again and consumed there (as a snack).

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Revision Questions

מעשרות ג' גי' – ד': ר'

- When can a general field worker (working directly with fruit) eat fruit without separating *ma'asrot*? (ג': ג')
- When can one who finds dried figs in the street, eat them without separating *ma'asrot*? (ד': ג')
- What type of *chatzer* is *kove'ah*? (include all opinions) (ה': ג')
- Are roofs *kove'ah*? (ו': ג')
- Is a porch *kove'ah*? (ז': ג')
- Which of the following are *kove'ah*? (ח': ג')
 - Guard's hut in a field.
 - A potter's hut.
 - *Sukkah*.
- If a fig tree is growing in a *chatzer* (that is ordinarily *kove'ah*) can one eat from its fruit without separating *ma'asrot*? (ט': ג')
- What are the two opinions regarding the way one can eat grapes from a vine planted in a *chatzer* without separating *ma'asrot*? (י': ג')
- How can one eat fruit from a fig tree without separating *ma'asrot* if: (יא': ג')
 - The tree is planted in the field, yet its branches hang over into the *chatzer*.
 - The tree is planted in the *chatzer*, yet its branches hang over into the field.
- If a tree is planted on the border of Israel, yet its branches hang over the border what do is used to determine with one must separate *ma'asrot* from its fruit – the branches or the roots? (יב': ג')
- If a tree is planted on the border of Jerusalem, yet its branches hang over the border what do is used to determine whether one can redeem the *ma'aser sheni* – the branches or the roots? (יג': ג')
- What are the six things that are *kove'ah*?
- Which of the following processes are *kove'ah*: (יד': א')
 - Pickling?
 - Cooking?
 - Burying (in ripe produce)?
- When is squeezing olives *kove'ah*? (טו': א')
- Explain the debate regarding the status of fruit that have been set aside for *Shabbat*. (טז': ב')
- When is salting *kove'ah* for olives? (Include both opinions) (טז': ד')
- Explain the three-way debate regarding whether diluting wine is *kove'ah*? (טז': ד')
- Why is the intended purpose for planting coriander important? (טז': ה')
- What are *tmaret* and in what context are they raised in the *Mishnah*? (טז': ו')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
21 August כ"ד אב	22 August כ"ה אב	23 August כ"ו אב	24 August כ"ז אב	25 August כ"ח אב	26 August כ"ט אב	27 August ל' אב
Maaserot 5:1-2	Maaserot 5:3-4	Maaserot 5:5-6	Maaserot 5:7-8	Maaser Sheni 1:1-2	Maaser Sheni 1:3-4	Maaser Sheni 1:5-6

