



Volume 7. Issue 45

## Bikurim and Two Trees

*Masechet Bikurim* opens by defining when one brings *bikurim* (first-fruits) to the *Beit HaMikdash* and when one recites the declaration when doing so. One case that is debated is if one purchases two trees in another's field (1:6). The *Chachamim* maintain that the purchaser brings *bikurim* but without making the declaration, while *R' Meir* maintains that he would.

The *Gemara (Bava Batra)* explains the debate as follows. If one does not own the land on which his trees grow then he cannot bring *bikurim*. *R' Meir* maintains that when one purchases two trees in another's field, he has purchased the land on which they grow as well. The *Chachamim* however are doubtful. *Rashi* explains that the doubt is whether the land is included as part of the sale of the trees. We learn later (1:11) that if one however purchased three trees, then everyone agrees that the land is part of the sale and the purchaser would bring *bikurim* and make the declaration.

How can one bring *bikurim* based on a doubt? The *Gemara (Bava Batra 61b)* is concerned that if the fruit is not *bikurim* then one would be bringing *chullin* into the *azarah*; which is forbidden. The solution proposed is that one also consecrates the fruit intending that its value be used as for a *korban*. Now since if it is *bikurim* the *kohen* must eat it, the fruit must then be redeemed. Furthermore since it might have been *chullin*, *trumot* and *maaserot* are also separated and given to the appropriate *kohanim*. The final hurdle is that since the declaration might need to be made if it is *bikurim* but cannot be made since it might be *chullin*, the fruit are sent to *Yerushalaim* with a *shaliach* thereby removing the requirement of making the declaration (1:5). That is the delicate solution to the *Chachamim's safek*.

One question that is raised is that according to the *Chachamim* despite there being a doubt whether the land was part of the purchase, since the purchaser cannot lay claim to the land in practise, it should not be considered his for the purposes of *bikurim* – therefore *bikurim* should not be brought. The *Mishnah Rishona* suggests that since *Eliyahu* might come and resolve this *halachic* matter, for the purposes of the *bikurim* it should remain a doubt despite currently not belonging to him for financial purposes. Ultimately however, the *Mishnah Rishona* is not satisfied with this answer.

There are a number of solutions presented to the question, from which we shall present one. The *Ohr Sameach* begins by first answering another question. Earlier we noted that if one purchased three trees, then he would both bring *bikurim* and make the declaration. We explained that in that case, everyone agrees that the purchaser acquired the land with the trees. The *Rambam* however rules that even if at the time of purchase it was stipulated that the land is not included in the sale, the law would not change for *bikurim*. Why?

The *Ohr Sameach* explains that in our same *Mishnah* we learn of a debate regarding fruit from a tree that was cut down. *R' Yehuda* maintains that it can be treated as regular *bikurim* while the *Chachamim* maintain that the declaration cannot be made as there is no longer land. The *Gemara (Berachot 40a)* explains that *R' Yehuda* maintains that the fruit grows primarily from the ground. Consequently here, since the land is still present, the declaration can be made. The *Chachamim* however maintain that fruit grows primarily from the tree. In the declaration, the reference to "the land that You gave me" includes the tree and if it is detached, the declaration cannot be made.

Returning to the *Rambam*; how can the declaration be made if he specifically purchased the trees without the land? The *Ohr Sameach* explains when one purchases three trees it is significant enough to be qualified as "the land that You gave me" as the land is *batel* to the trees. The significance of the quantity is evident of the fact that if one sold the trees without specifically mentioning the land, it is included in the sale.

Now returning to our original question: if in the sale of two trees, the ownership of the land is not transferred, why is there a doubt regarding *bikurim*? The *Ohr Sameach* answers: with the sale of the three trees we have explained that the land is secondary. With the sale of one tree the tree is clearly secondary to the land (as it is not included in a standard sale). With the sale of two trees, just as there is a doubt whether the land is included in the purchase, there is a doubt for *bikurim* regarding which is the *ikar* and which is the *tafel* – the land or fruit tree. The practical ownership of the land has no bearing for *bikurim* since if the trees are the *ikar* then the obligation of *bikurim* would apply even if the land remained the property of the original owner (as explained according to *Rambam* above).

*Yisrael Yitzchak Bankier*

**Revision Questions**

ביכורים א' א' – ב' ג'

- What are the three cases listed in the first *Mishnah* that are exempt from bringing *bikurim*? (א' א')
- What is the reason for the above ruling and what four cases were added as a result of this reason? (ב' א')
- From which fruit does one bring *bikurim*? (ג' א')
- Before which date is one not allowed to bring *bikurim*? (ג' א')
- According to the *Mishnah*, which six people can bring *bikurim* yet cannot read the *parashat bikurim*? (ד' א')
- Explain the debates regarding whether one can bring *bikurim* and recite when: (ו' א')
  - One purchased two trees in his friend's field.
  - The fruit tree was chopped down.
  - The *bikurim* was brought between *Sukkot* and *Chanukah*.
- If someone separates *bikurim* then sold his field, who brings *bikurim* and can they read the *parashat bikurim*? (ז' א')
- What should one do if they separate *bikurim* and they were stolen or lost prior to being brought to *Yerushalaim*? (ח' א')
- What should one do if they brought their *bikurim* to *Yerushalaim* and they became impure? (ח' א')
- If someone brought *bikurim* from one type and then returned to *Yerushalaim* with *bikurim* from another type, what is different about the way it is brought? (ט' א')
- In what case does one bring *bikurim* and read the *parashat bikurim*? (י' א')
- Does a *choker* or *aris* bring *bikurim* and read the *parashat bikurim*? (יא' א')
- What laws are shared by *bikurim* and *trumah*, but not shared with *ma'aser sheni*? (ב' א')
- What laws are shared by *bikurim* and *ma'aser sheni*, but not shared with *trumah*? (ב' א')
- What laws are shared by *trumah* and *ma'aser sheni*, but not shared by *bikurim*? (ג' א')

**Local Shiurim**

**Melbourne, Australia**

**Sunday -Thursday**

After *Ma'ariv*  
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**

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[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

*Rav Meir Pogrow*  
[613.org/mishnah.html](http://613.org/mishnah.html)

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

**SHIUR ON KOL HALOSHON**

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
15 <sup>th</sup> April י"א אייר	16 <sup>th</sup> April י"ב אייר	17 <sup>th</sup> April י"ג אייר	18 <sup>th</sup> April י"ד ניסן	19 <sup>th</sup> March ט"ו אייר	20 <sup>th</sup> April ט"ז אייר	21 <sup>st</sup> April י"ז אייר
Bikurim 2:4-5	Bikurim 2:6-7	Bikurim 2:8-9	Bikurim 2:10-11	Bikurim 3:1-2	Bikurim 3:3-4	Bikurim 3:5-6

