

אנא לא קייצנא דאמר רב כולי - I will not chop it down, for Rav stated, etc.

Overview

refused to chop down his palm trees (even) after רב יוסף told him that he is legally required to do so. He said (quoting רב) that it is forbidden to cut down a fruit bearing tree. גמרא reconciles our תוספות with seemingly contradictory גמרות.

asks: תוספות

ואם תאמר והתנן במתניתא¹ דקוצץ ונותן דמים -

And if you will say; but we learnt in our משנה that he cuts down the tree and pays its value to the tree owner –

answers: תוספות

ויש לומר דאיכא לאוקמי באילן סרק² -

And one can say; that we can establish the משנה by a barren tree which bears no fruit, therefore it is permitted to cut it down, however here it was a fruit bearing tree and the injunction of רב applies.

asks: תוספות

אבל קשה דאמרינן בהחובל (בבא קמא דף צב,א) גבי הנהו דיקלי דמכחשי בגופני הוי³ -

However, there is a difficulty, for the גמרא states in פרק החובל regarding these date palms, which were weakening the grapevines -

דקאמר למחר אייתי לי מקורייהו⁴ אלמא משום היזק גפנים מותר לקוץ דקלים –

Where שמואל said to the אריס, ‘tomorrow bring me from their roots (i.e., uproot the trees)’; it is evident that it is permitted to cut down the date palms because they damage the grapevines. This seems to contradict the ruling of רב here.

answers: תוספות

ויש לפרש דשאני התם שיותר מדאי היו מכחישים בגפנים עד דהוה טעים בהו טעמא דחמרא:

And one can explain that it is different there by the case of שמואל for the date

¹ כה,ב. The משנה there states that if the pit came before the tree (and the tree can damage the pit), the rule is that the tree is cut down but the owner is paid. In any event we are permitted to cut down the tree (if it is a מזיק), so here too, why did he refuse to cut down the tree since he was מזיק the גפנים.

² See הל' מלכים פ"ו ה"ט that an אילן סרק may be cut down for no reason at all.

³ The story there was that שמואל's sharecropper brought him some dates, when שמואל ate them, they had a taste of wine, so he asked his אריס why is this, and the אריס told him that these date palms were planted among the grapevines. שמואל was upset that the date palms are weakening his wine, so he told the אריס to destroy the palms. [If the dates had a taste of wine that means that the flavor of wine was entering into the dates instead of the grapes.]

⁴ See ד"ה מקורייהו there רש"י.

palms **were weakening the grapevines to such a great extent that he was able to taste** in the dates **the flavor of wine**; for such excessive damage it is permitted to cut down even a fruit tree.

Summary

One may destroy barren trees (the previous משנה). One may destroy fruit trees if they are causing excessive damage.

Thinking it over

What is more precious; date palms or grapevines?⁵

⁵ See תוספות there (ב"ק צב, א) ד"ה למחר.