

He harvested the produce of his grapevine

כנס את תבואתו -

OVERVIEW

The משנה states that in a שדה האילן it is possible to make a חזקה with just three harvests; namely, grapes, olives and figs (in that order). תוספות questions the order in which the משנה lists these three fruits. It seems to contradict the order of their harvest as mentioned in other גמרות.

להכי קרי ליה לכרם תבואה משום דכתיב (דברים כב [פסוק ט]) ותבואת הכרם –

It is on account of this that he refers to the produce of the vineyard as תבואה; which is generally translated as grain, Here however the תנא refers to the grapes and wine as תבואה **because it is written** in the תורה ‘**and the תבואה of your vineyard**’. We see that the תורה refers to the produce of the vineyard, the grapes and wine, as תבואה,¹ therefore the משנה also refers to it as תבואה.²

תוספות asks a question:

ואם תאמר תינח הא דתנא תבואה קודם זיתים דיין קודם לשמן –

And if you will say, it is understandable that the תנא of the משנה states תבואה before he mentions olives; 'כנס את תבואתו ומסק את זיתיו' **for the wine season precedes the olive oil season -**

כדאמרינן באיזהו נשך (בבא מציעא סג,א) הגיע זמן יין למכור –

As the ברייתא states in נשך איזהו נשך; first it states, ‘**the time of selling wine arrived**’ -

ובתר הכי קאמר הגיע זמן למכור שמן

And afterwards the ברייתא mentions in sequential order that the time for selling oil arrived.³ Therefore the precedence of wine before oil in our משנה is understood.

אלא כנס את קייצו אמאי תני ליה בתר הכי הא תאנים קדמי –

However, the phrase, ‘he gathered his dried figs’, why is that taught in the משנה afterwards; after the wine and the oil, **since figs ripen before the wine and olive oil seasons!** תוספות proves his point:

דהא אמר בהמקבל (שם ק,ב) חצי ניסן ואייר וחצי סיון קציר חצי סיון ותמוז [וחצי] אב קיץ –

¹ תוספות wishes (also) perhaps to establish that תבואתו כנס את תבואתו refers specifically to wine, as a preface for the upcoming question.

² The תנא was not concerned that we may misconstrue the term תבואה here to mean grain. For since we are discussing the produce of an orchard (שדה אילן), therefore, it is obvious that we are not referring to grain. The (only) תבואה that grows in an orchard is תבואת הכרם.

³ The ברייתא does not actually state 'הגיע זמן למכור שמן'; it is however understood from the sequential order in the ברייתא, that שמן was sold after the wine season.

For the **states in המקבל**, פרק **המקבל**, **the latter half of the month of ניסן**, the month of **אייר**, and the first half of **סיון** is the harvesting of grain,⁴ the latter half of **סיון**, the month of **תמוז** [and the first half of] **אב** is the season of **drying the figs**' -

ואילו בציר היה בתשרי כדאמרינן בברכות (דף לה,ב) -

However, the harvesting of the grapes/wine was in the month of **תשרי**, as the **states in מוסכת ברכות** -

דאמר להו רבא לרבנן במטותא מינייכו לא תיתחזיאו קמאי לא ביומי ניסן ולא ביומי תשרי -

That **רבא** said to the student scholars, 'I beg of you do not appear before me not in the days of **ניסן** and not in the days of **תשרי**'; for in **ניסן** was the grain harvest and **תשרי** was the season of pressing the grapes for wine.

בציר offers an additional proof that **תשרי** is the time of

ואמרינן נמי בסנהדרין (דף כו,ב) **גנב ניסן וגנב תשרי לא שמיה גנב** -

And the **states in מוסכת סנהדרין** **also states**, a thief who steals during the month of **ניסן** or the month of **תשרי** is not considered a thief, that he should become disqualified as a witness, the **continues there** -

והני מילי באריסא ודבר מועט -

And these words are valid only if this thief is a sharecropper and he takes (only) a small amount in addition to what he is entitled to. The sharecropper when he takes something extra does not feel that he is a thief. In his opinion he is entitled to take something extra for all the (extra) work he does. In any event it is during the harvest months of **ניסן** (grain) and **תשרי** (grapes) that we do not consider him a thief since he is actually doing the harvest work during this time. It is evident from the **there** that during **תשרי** there is harvest work.

brings another proof that **תשרי** is the month.

ואמרינן באיזהו נשך (בבא מציעא דף עג,ב) **חזי מר להנהו רבנן** -

And the **relates in מוסכת** **did the master see** what these rabbinical students are doing -

דיהבי דמי אחמרא בתשרי ומבחרי להו בטבת⁵ -

They prepay (at a lower price) for the wine during **תשרי**; even though they do not take it then and they choose unspoiled wine in **טבת**. It is evident from there as well that **תשרי** is the time of

concludes his original question:

מכל אלו משמע דבציר הוי בתשרי וכבר כלה הקיץ -

⁴ See previous תוספות on this שלשה עמוד ד"ה (TIE footnote # 4).

⁵ **טבת** explains there, that had they taken the wine in **תשרי** it may have turned into vinegar by **טבת**.

It is apparent from all of the above that the **בציר of grapes/wine is in **תשרי**, and the **קייץ** season has already concluded.** תוספות has previously cited the גמרא that the קייץ season is חצי סיון תמוז וחצי אב. The **בציר** season which is in **תשרי** is after the קייץ season. Why therefore does the משנה mention תבואתו which refers to the **בציר** before קייצו which takes place before **תשרי**.

answers: תוספות

ויש לומר דהא דקרי קייץ לחצי סיון ותמוז וחצי אב לפי שאז עיקר יובש של תאנים באילן –
And one may say; that which the גמרא identifies קייץ as the latter half of סיון,
תמוז and the first half of אב, it is not referring to the drying of the figs after the harvest, but rather it is called קייץ **because that is the main drying period of the figs while they are still on the tree –**

ומיהו אין קוצצין אותו מן האילן עד לאחר הבציר⁶ –

However, they do not harvest the figs from the tree until after the **בציר,** which is in **תשרי**. When our משנה says קייצו it is referring to the harvest of the figs after the **בציר**.

תוספות offers an alternate solution:

אי נמי לוקטין אותו קודם חצי סיון ומניחים אותו לייבש –
Or you may also say that **חצי סיון תמוז וחצי אב, since the גמרא refers to it as קייץ, it means that during those times the figs were actually being dried in the fields, for the would gather the figs from the trees before the latter half of סיון and they would leave the figs to dry during **חצי סיון תמוז וחצי אב** –**

ולא⁷ זמן כניסתו לבית עד לאחר תבואת הכרם⁸ –

However the time of bringing the dried figs into the house was not until after the work with the vineyard produce. This explains why קייצו is mentioned last, for they would not bring the figs into the house until after the **בציר**.

תוספות responds to an anticipated difficulty with this last explanation:

והא דלא הויה לקיטה חזקה כי שמא היו רגילין לייבשן באותו שדה⁹ שגדלו שם –
But why is not the harvesting of the figs considered to be a חזקה. Why is it necessary to wait until after the **בציר**, the חזקה should begin with harvesting the figs and end with זיתיו ומסק את תבואתו. תוספות responds: **for perhaps they were accustomed to dry the figs in that [very] same field in which they grew –**

⁶ Seemingly תוספות must mean that it is also after the olive oil season as well. See 'Thinking it over' # 2.

⁷ The הגהות הב"ח amends this to read היה זמן היה.

⁸ See footnote # 6.

⁹ The הגהות הב"ח amends this to read שדה עצמה שגדלו היה.

ולכך לא הויא חזקה עד שיביאם לביתו –

And therefore the harvesting alone is not considered a חזקה until he brings the figs to his house. Merely harvesting and leaving the crops where they were, is not considered a חזקה. It does not show ownership. It is only when one removes the crops and takes them away, only then does he demonstrate ownership. If the figs would be taken to a different field to dry, that would have been a חזקה indeed. However it was customary to have them dried in the same field where they grew; therefore there is no חזקה until he brings the dried figs to his house.

In summation; the first answer maintains that the figs were actually harvested from the trees after the grapes and olives; while the second answer maintains that the figs were actually harvested first, however they were not brought into the house until after the wine and oil season.

תוספות offers a different approach to this matter:

ורבינו חננאל מפרש כנס תבואתו בתשרי ומסק את זיתיו בשבט וכנס קייצו באב הרי זו חזקה.

And the ר"ה explains the משנה as follows: he gathered his wine produce in תשרי (as mentioned previously, the בציר took place in תשרי); **and he harvested his olives in שבט** (as mentioned previously that the oil season was after the wine season); **and he gathered his dried figs in אב** (as mentioned previously that the חזקת קיץ season concludes during אב); **this is considered a חזקה.**

נמצאת חזקה בשנה אחת –

It comes out that there is a חזקה in one year; from אב תשרי till אב.

It should be noted that the wine and olives that are harvested in תשרי and שבט are from the previous growing season, while the figs that are harvested in אב are from the following growing season. תוספות addresses this issue:

ונקט כסדר זה משום דתשרי הוא תחלת השנה –

And the תנא used this type of order even though the figs (in relation to the wine and oil) are the first to be harvested in one growing season, **because תשרי is the beginning of the year.** The תנא wanted to teach us how in a חזקה a שדה אילן can be made in one year beginning with תשרי – the beginning of the year.

תוספות is not satisfied with this interpretation:

אבל יותר¹⁰ מיושב אי הוה תני להו כסדר גשמי שנה שהן גדילין עליהן:¹¹

However, it [would be] more appropriate if the משנה would have mentioned the harvesting of the fruits in the order of the yearly rains upon which these fruits grow. It should have mentioned the figs first. For they are the first to ripen from the

¹⁰ The הגהות הב"ח amends this to read **יותר היה מיושב**.

¹¹ See מהרש"א.

rainy season which begins in חשון, the grapes and the olives grow from this same rainy season but ripen later. They should be mentioned later after the figs. תוספות does not resolve this difficulty on the פירש ר"ה.

SUMMARY

The בציר of wine is in תשרי with the olive oil season sometime thereafter. The figs are either harvested after the oil season, or are harvested during סיון, dried until the middle of אב, but not taken into the house until after the oil season. According to the ר"ה, the figs are taken into the house (immediately) after they are finished being dried in אב.

A חזקה requires that the produce be removed from the field (as well).

THINKING IT OVER

1. What are the various advantages (and disadvantages) of three תוספות interpretations?
2. Do תוספות and the ר"ה agree as to the time of מסיקת הזיתים?¹²

¹² See footnote # 6.