

## 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.

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**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 תבואה 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,<sup>1</sup> therefore the משנה also refers to it as תבואה.<sup>2</sup>

asks a question:

**– you may say, it is understandable – ואם תאמר תינה**

**that the משנה states תבואה before he mentions olives;** כנס את תבואתו ומסק את זיתיו'

**for the wine season precedes the olive oil season.**

**as the ברייתא states in נשך – כדאמרין באיזהו נשך (בבא מציעא סג,א)** first it states –

**the time of selling wine arrived -**

**and afterwards the ברייתא mentions in sequential order that –**

**the time for selling oil arrived.**<sup>3</sup> Therefore the precedence of wine before oil in our משנה is understood.

**however, the phrase, ‘he gathered his dried figs’-**

**why is that taught in the משנה afterwards; after the wine and the oil?**

**for figs ripen before the wine and olive oil seasons!**

**for the גמרא states in המקבל (שם ק,ב)**

**the latter half of the month of ניסן, the month of – סיון, and the first half of אייר**

**is the harvesting of grain**<sup>4</sup>

<sup>1</sup> The משנה wishes (also) perhaps to establish that כנס את תבואתו refers specifically to wine, as a preface for the upcoming question.

<sup>2</sup> The משנה 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 הכרם.

<sup>3</sup> 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.

<sup>4</sup> See previous תוספות on this שלשה עמוד ד"ה.

**the latter half of סיון, the month of תמוז and the first half of אב is the season of -**

**drying the figs – קיץ**

**however the harvesting of the grapes/wine was in the month of תשרי**

**As the גמרא states in מסכת ברכות - כדאמרינן בברכות (דף לה,ב)**

**that said to the student scholars – דאמר להו רבא לרבנן**

**I beg of you – במשותא מינייכו**

**do not appear before me – לא תיתחזיאו קמאי**

**not in the days of ניסן and not in the days of תשרי** – **לא ביומי ניסן ולא ביומי תשרי**; for in ניסן was the grain harvest and תשרי was the season of pressing the grapes for wine.

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

**And the גמרא also states in מסכת סנהדרין – ואמרינן נמי בסנהדרין (דף כו,ב)**

**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 גמרא continues there – לא שמייה גנב**

**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 גמרא there that during תשרי there is harvest work.

brings another proof that תשרי is the month.

**and the גמרא relates in פרק איזהו נשך – ואמרינן באיזהו נשך (בבא מציעא דף עג,ב)**

**did the master see what these rabbinical students are doing – חזי מר להני רבנן**

**they prepay (at a lower price) for the wine during תשרי** – **דיהבי דמי אחמרא בתשרי**; even though they do not take it then –

**and they choose unspoiled wine in טבת<sup>5</sup>**. It is evident from there as well that תשרי is the time of בציר.

concludes his original question:

**it is apparent from all of the above – מכל אלו משמע**

**that the בציר of grapes/wine is in תשרי – דבציר הוי בתשרי**

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

**and the קיץ season has already concluded.** תוספות has previously cited the גמרא that the קיץ season is **אב**. The **בציר** season which is in תשרי is after the קיץ season. Why therefore does the משנה mention **כנס** את תבואתו which refers to the **בציר** before **תשרי** which takes place before **תשרי**.

answers: תוספות

**one may say; that which the גמרא identifies קיץ as** – **ויש לומר דהא דקרי קיץ** the –

**אב, and the first half of** **לחצי סיון ותמוז וחצי אב**, it is not referring to the drying of the figs after the harvest, but rather it is called **קיץ** –

**because that is the main drying period of the figs while they are still on the tree** – **לפי שאז עיקר יובש של תאנים באילן**

**however they do not harvest the figs from the tree** – **ומיהו אין קוצצין אותו מן האילן**

**until after the <sup>6</sup>בציר, which is in תשרי.** When our משנה says **כנס** **בציר** it is referring to the harvest of the figs after the **בציר**.

offers an alternate solution: תוספות

**if you want we can also** say that **אב**, since the גמרא refers to it as **קיץ**, 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** – **לוקטין אותו קודם חצי סיון**

**and they would leave the figs to dry during חצי סיון ותמוז וחצי אב** – **ומניחין אותו לייבש**

**however the time of bringing the dried figs into the house was not** – **ולא [היה]<sup>7</sup> זמן כניסתו לבית**

**until after the work with the vineyard produce<sup>8</sup>.** This explains why **כנס** is mentioned last, for they would not bring the figs into the house until after the **בציר**.

anticipates a difficulty with this last explanation: תוספות

**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 **כנס** את תבואתו ומסק את זיתיו.

responds: תוספות

**for perhaps they were accustomed to dry the figs** – **כי שמא היו רגילין לייבשן**

**in that very same field in which they grew** – **באותו שדה [עצמה]<sup>9</sup> שגדלו שם**

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

<sup>7</sup> See הגהות הב"ח.

<sup>8</sup> See footnote # 6.

**and therefore the harvesting alone is not considered a חזקה – ולכך לא הויא 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 demonstrates 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:

**and the ר"ה explains** the משנה as follows:

**he gathered his wine produce in תשרי**; as mentioned previously, the תשרי took place in בציר –

**and he harvested his olives in שבט**; as תוספות mentioned previously that the oil season was after the wine season –

**and he gathered his dried figs in אב**; as mentioned previously that the קיץ season concludes during אב –

**this is considered a חזקה.** – הרי זו חזקה.

**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:

**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 שדה אילן a חזקה can be made in one year beginning with תשרי – the beginning of the year.

תוספות is not satisfied with this interpretation:

**however it would be more appropriate –**

**if the משנה would have mentioned the** harvesting of the fruits –

**in the order of the yearly rains –**

<sup>9</sup> See הגהות הב"ח אות ו.

<sup>10</sup> See הגהות הב"ח אות ו'.

**שהם גדלים עליהם – upon which these fruits grow.** It should have mentioned the figs first. For they are the first to ripen from the 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<sup>11</sup>. פירש ר"ה 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 interpretations?
2. Do תוספות and the ר"ה agree as to the time of מסיקת הזיתים?

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<sup>11</sup> See מהרש"א.