

## He was not particular in being stringent

## לחומרא לא דק -

### Overview

We can infer from the ruling of עולא that if a tree is sixteen אמות away from the border he can bring ביכורים (but not less than sixteen אמות for then his tree nourishes from his neighbor's field). The גמרא asked that based on the משנה a tree nourishes from more than a sixteen אמה radius,<sup>1</sup> so how can עולא obligate one to bring ביכורים from just a sixteen אמה radius. The גמרא explained that since עולא is being strict, he is obligating one to bring ביכורים even from a sixteen אמה radius, he was not that exact. תוספות discusses this answer

תוספות asks:

ואם תאמר והא נמי קולא הוא הא דמייתי ביכורים<sup>2</sup> דמפקע להו מתרומה ומעשר -

And if you will say; but this ruling of עולא that he brings ביכורים if it is more than sixteen אמות, is also a leniency, for he exempts these ביכורים from תרומה and מעשר -

כדאמרינן בהמוכר את הספינה<sup>3</sup> (לקמן דף פא, ב ושם) -

As the גמרא states in פרק המוכר את הספינה -

תוספות answers:

ויש לומר דעולא לא איירי אלא במאי דאינו מביא בתוך י"ו -

And one can say that עולא is only discussing the issue that one does not bring ביכורים if the tree is within sixteen אמות -

אבל חוץ לי"ו פעמים מביא ופעמים אינו מביא:

However outside sixteen אמות, sometimes he brings ביכורים if it is as far as the proper שיעור mentioned in the משנה and sometimes he does not bring ביכורים, if it is more than sixteen but less than the שיעור of the משנה.

### Summary

עולא never said that one brings ביכורים if it is (slightly more than) sixteen אמות.

<sup>1</sup> See previous הכי תוס' ד"ה הכי whether it is 16 2/3 or 16 1/2.

<sup>2</sup> According to עולא he will bring ביכורים if his tree is sixteen אמות away from his neighbor's property, even though that he is really פטור from bringing ביכורים at that distance. However, he will not separate תרומות ומעשרות from the fruit that he is bringing as ביכורים, when in reality (since he is not חייב in ביכורים) he is obligated to separate תרומות from those 'ביכורים'. It turns out that by obligating him to bring ביכורים from a radius of sixteen, עולא is being lenient for he is exempting him from separating תרומות from those fruits.

<sup>3</sup> תרומה ביכורים are not obligated in הפרשת תרומה since תרומה itself is considered ביכורים.

<sup>4</sup> עולא merely stated that if the tree is within sixteen אמות he does not need to bring ביכורים. We are inferring that more than sixteen he is obligated; however, that inference may be mistaken. See 'Thinking it over'.

### **Thinking it over**

According to תוספות that עולא never said to bring ביכורים if it is sixteen אמות or more,<sup>5</sup> what does the גמרא mean by saying ולחומרא לא דק, since עולא did not rule at all לחומרא, he merely ruled that less than sixteen one does not bring ביכורים?!<sup>6</sup>

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<sup>5</sup> See footnote # 3.

<sup>6</sup> See מהר"ם.