



## Bikkurim Under the Road

*Bikkurim* is the *mitzvah* of bringing the first fruits from the seven species to the *Beit HaMikdash* and giving them to a *kohen*. The *masechet* opens by explaining that there are cases where one does not bring those first fruits; where one does bring them but does not recite the *mikra bikkurim*; and where one does both. One case that is debated is where one propagated a vine from one of his fields to another but under the public domain. We shall try to understand this debate.

The *Chachamim* maintain that this case is no different to the others listed in the *Mishnah*. The *Mishnah* teaches that unless the tree or vine grows entirely in one's field, one cannot bring *bikkurim* from those fruit. The next *Mishnah* explains that this is based on the *pasuk* that the *bikkurim* are the "first [fruits] of your land" (*Shemot* 23:19).

*R' Yehuda* however argues that in that case, one would be able to bring *bikkurim*. The *Bartenura* explains that *R' Yehuda* maintains the position of *R' Eliezer* that one is allowed to make use of the space underneath the public domain. Consequently, since tunneling under the public domain is permitted, it is would still be considered "of your land". Nevertheless, while *bikkurim* would be brought, the *mikra bikkurim* would not be recited.

The *Yerushalmi* asks that if *R' Yehuda* maintains the position of *R' Eliezer*, and one is allowed to use the space under the public domain, why then can the *mikra bikkurim* not be recited. The *Gemara* explains that that space under the public domain is not considered completely his – it is still the public domain. If anyone else were to come and utilise that space, they would be allowed to do so. The *Gra* compares the space to *hefker*. *R' Chaim* explains that since the usage of the space is not considered theft, one

can bring *bikkurim* from the fruit. Nevertheless, since it is not his land, the declaration that "...I have brought the first fruit from that land You have given me" (*Devarim* 26:10) cannot be made.

Comparing this case with the first however, presents a problem. The *Mishnah* teaches that if one propagated their vine into the neighbouring field, they would not be able to bring *bikkurim*. The *Yerushalmi* teaches that if he had permission, then he would bring *bikkurim* for that tree and recite the *mikra bikkurim*. While *R' Yose* maintains that this is only if permission was granted permanently, *R' Yona* understands that even if it was temporary, it would be enough. This is indeed how the *Rambam* rules.<sup>1</sup> That being the case, since according to *R' Yehuda*, one is allowed to tunnel under the public domain, and he is not stealing, why is the *mikra bikkurim* not recited?

The *Even HaEzel* initially suggests that perhaps that *R' Yehuda* is understood only according to *R' Yossi's* understanding, that permanent permission is required. According to *R' Yochanan* however, *R' Yehuda* would also allow *mikra bikkurim* to be recited.

The *Even HaEzel* however instead differentiates between the two cases. One is allowed to use the space under *reshut harabim*, but he does not have rights to the space. Despite the fact he is not considered stealing, his use of the space is not the same as having permission to propagate a vine into his neighbours field. Others can also use that space even to the detriment of his propagation (*Sefer Nir*). In other words, the ability to use the space under *reshut harabim* is not enough to defined the area as "admatcha", whereas permission to tunnel into the neighbours field is.<sup>2</sup>

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<sup>1</sup> Interestingly the *Raavad* limits this to propagating into the friend's field. If however one planted in the neighbours field with permission, then the law would be different. Similarly, if one propagated from the neighbour's field, even with permission, they would not bring *bikkurim*. It is only where a small amount is being drawn, and not the main sustenance, that with permission one can bring *bikkurim*.

<sup>2</sup> The *Even HaEzel* continues that if it is not considered "admatcha" then one must understand that the requirement to bring *bikkurim* is rabbinic. The *Pri Etz Chaim* (cited by *Artscroll Yerushalmi* 2b, 3) however explains that the fact that it is not stolen, allowed him to bring the *bikurim*. Nevertheless since he cannot declare, "the land you have given me" the *mikra bikurim* cannot be recited (much like *R' Chaim* cited in the article).

## Revision Questions

ערלה בי: ט"ו – ג: ט"ו

- Describe the case involving *tavlin* that is similar to the previous question. (בי: ט"ו)
- Describe the case involving *notar*, *pigul* and *kodshei kodshim* that is similar to the previous question. (בי: ט"ו)
- Who may eat from a mixture contain meat that is *chulin*, *kodshei kalim* and *kodshei kodshim* where there is enough *chulin* to annul the *kodshei kalim* or *kodshei kodshim* but not both? (בי: י"ז)
- What must be done with clothing that has be dyed using dye that was made from *orlah*? (גי: א')
- The *Mishnah* discussed a case where someone dyed a thread using the peel of *orlah* fruit and then wove it into a garment, yet could not identify where this thread was used in the garment. What must be done with the garment? (גי: ב')
- What was the length of the thread that was discussed in the previous question? (גי: ב')
- What other *issurim* share the same ruling (as the first question) for the same minimum length of the thread and which *issurim* have no minimum length? (גי: ג')
- What must be done with food that was cooked with *orlah* peels? (גי: ד')
- What must be done with food that was cooked with *orlah* peels that became mixed up with other cooked foods? (גי: ד')
- What must be done with bread that was baked in an oven in which *orlah* peels were burnt? (גי: ה')
- What must be done with bread that was baked in an oven in which *orlah* peels were burnt that then became mixed up with other bread? (גי: ה')
- What must be done with *tiltan* that had *tiltan kil'ei kerem* mixed in with it? (גי: ו')
- Explain the reasoning of *R' Meir* and the *Chachamim's* opinions in the above cases. (גי: ז')
- The *Chachamim* listed six things that do not become absolved (גי: ז'); what condition is added on the six things? (גי: ח')
- How is *safek orlah* treated in Israel, *Surya* and outside Israel? (גי: ט')
- Does the *issur* of *chadash* apply to produce outside of Israel? (גי: ט')

ביכורים א: א'-ב'

- 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? (א: ב')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
30 October ה' חשון	31 October ו' חשון	1 November ז' חשון	2 November ח' חשון	3 November ט' חשון	4 November י' חשון	5 November י"א חשון
Bikurim 1:3-4	Bikurim 1:5-6	Bikurim 1:7-8	Bikurim 1:9-10	Bikurim 1:11-2:1	Bikurim 2:2-3	Bikurim 2:4-5

