YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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HALAKHA: A WEEKLY SHIUR IN HALAKHIC TOPICS

**Tu Bi-Shevat: The New Year for Trees**

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**I. Tu Bi-Shevat – An Agricultural or Halakhic Holiday?**

 As Tu Bi-Shevat – the "New Year for Trees" – approaches, let us study the significance of the date chosen for this minor festival – the 15th day of the month of Shevat. On the one hand, this date reflects the agricultural reality that "most of the year's rains have passed" (Masekhet Rosh Hashana 14a). At the same time, however, we must examine whether or not this day contains, as do the other holidays of the Jewish calendar, halakhic significance independent of its agricultural importance.

 At first glance, it seems that the Gemara addresses this question explicitly:

Rabbi Yochanan asked Rabbi Yanai: When is the new year for the etrog [regarding the laws of "orla" and "neta revai," as will be explained]? He answered, Shevat. [Rabbi Yochanan then asked,] the month "Shevat" or the season "Shevat" [the beginning of spring]? He answered, the month. Rava asked Rav Nachman… what is the law regarding a leap year [when Tu Bi-Shevat occurs significantly earlier in the solar year, would the new year for the etrog still be the 15th of Shevat]? He answered, follow the majority of years [Rashi: the month of Shevat].

 Clearly, this sugya concludes that the 15th of Shevat is endowed with independent halakhic significance. The new year for trees is determined according to the Jewish date, not the agricultural reality which would presumably depend upon the solar year. Thus, despite the fact that during a Jewish leap year Tu Bi-Shevat occurs earlier, before "most of the year's rains have passed," nevertheless the new year for trees, with all its halakhic ramifications, occurs on the 15th of Shevat. We might view this ruling in light of the general principle of "lo pelug," that Chazal try to avoid excessive differentiation within a single hakakha, and they thus crowned Tu Bi-Shevat as the new year for trees due to its agricultural significance during most years. We must then raise the issue of whether this immutable status of Tu Bi-Shevat remains in more extreme cases, where no correlation exists at all between this date and the agricultural cycle. One such example is the laws of "orla" in countries in the Southern Hemisphere (see Tur, 294).

 We cannot but wonder, however, why Rabbi Yochanan asked his question specifically regarding the etrog, considering that his question goes to the very heart of the status of Tu Bi-Shevat as the new year for all trees. [See Tosafot, who raise this question.] This point will become critical towards our understanding of Rabbi Yochanan's question and Rabbi Yannai's response, as we will see a bit later in our discussion.

**II. The Views of the Rishonim Regarding Tu Bi-Shevat**

 Even after we accept the date of the 15th of Shevat as the determining factor, we must still examine the significance behind this day. The Gemara, as noted, explains that most of the season's rains come to an end prior to Tu Bi-Shevat. Tosafot add, "All fruits that ripened before this time did so from rains that fell before Tishrei." Apparently, according to Tosafot, the actual "new year" for trees is the first of Tishrei (our "Rosh Hashana"); Tu Bi-Shevat serves merely as the means by which we can determine which fruits belong to last year (before the first of Tishrei) and which relate to the new year. (See "Turei Even.")

The Rishonim address this point amidst their discussions of the laws of "orla" and "neta revai." [Fruits of a given tree may not be eaten within the first three years of the tree's planting – they are called "orla." On the fourth year, the fruits become "neta revai," and must be eaten in Yerushalayim.] The Gemara (9b-10a) postulates that if one plants a fruit thirty days before Rosh Hashana, then the period from the time of planting until Rosh Hashana counts as an entire year with respect to the laws of "orla" and "revai." ["Miktzat hashana k'kula" – part of a year is considered an entire year.] The Gemara then posits that "the fruits of this planting are forbidden – whether because of 'orla' or 'revai' – until Tu Bi-Shevat (3 or 4 years later)." Some Rishonim understand that "the fruits of this planting" refers specifically to such a case, where the tree was planted thirty days prior to Rosh Hashana. Only then, when we invoke the principle considering part of a year as an entire year, are the fruits forbidden until Tu Bi-Shevat. Fruits planted around the time of Rosh Hashana, however, are forbidden only until Rosh Hashana. However, with respect to the fruits regarding which we invoked the leniency of counting a month as a year do we apply the stringency of forbidding the fruits beyond Rosh Hashana up until Tu Bi-Shevat.

 The Ba'al Hama'or rejects this view, arguing that the years of "orla" or "neta revai" always come to an end on Tu Bi-Shevat. Thus, if one planted a tree thirty days before Rosh Hashana, then the first year will end on the first Tu Bi-Shevat; if it was planted later, then the first year does not end until the second Tu Bi-Shevat. [See Yerushalmi.]

 It seems, at first glance, that the first view maintains that the agricultural year in this regard essentially begins and ends in Tishrei. However, in instances where a leniency was invoked, whereby a mere thirty days were counted as an entire year, the fruits' permissibility is delayed until Tu Bi-Shevat. The Ba'al Hama'or, by contrast, holds that the fruits' year by definition begins and ends on Tu Bi-Shevat.

 This understanding of the Ba'al Hama'or seems, however, to contradict the opening mishna of Masekhet Rosh Hashana, which states that the first of Tishrei marks the new year for, among other things, "planting" – "for counting the years of 'orla'" (Rashi). Additionally, even the Ba'al Hama'or agrees that we consider a tree planted thirty days before Rosh Hashana as having already been planted for a year. Certainly this indicates that Rosh Hashana is to be viewed as the new year with respect to the years of "orla"! We must, therefore, develop a different approach to understand the opinion of the Ba'al Hama'or.

 After citing the dispute among the Rishonim, the Rashba concludes, "And it would seem that this is so [as the Ba'al Hama'or contended], since this issue involves sound reason, and not just a stringency... Any fruit that ripens in between Tishrei and Tu Bi-Shevat does so as a result of drawing water [from the ground] before Rosh Hashana... Therefore, there is no difference whether it was planted thirty days before Rosh Hashana or planted less than thirty days beforehand."

 In other words, the Rashba (as well as the Ritva and Ran), who explains the position of the Ba'al Hama'or, actually adopts the approach of the Tosafot, that we consider a year with respect to "orla" and "revai" as running from Tishrei to Tishrei. The prohibition to eat the fruits that ripen from Rosh Hashana until Tu Bi-Shevat results from their attribution as last year's crop.

 In truth, specifically those who argue with the Ba'al Hama'or would apparently view the date of Tu Bi-Shevat as bearing independent significance. The "Shitat HaRivav" cites the following comments of Rav Shemuel Ben Rabbi David:

But if one plants within thirty days of Rosh Hashana... all the years of planting [are considered to] end on Rosh Hashana; the years with respect to "orla" and "revai" do not continue until Tu Bi-Shevat, for with regard to the calculation of Tu Bi-Shevat – the new year for trees – the years already end on the previous Tu Bi-Shevat... From that Tu Bi-Shevat until Tishrei, the fruits are forbidden as a result of the Torah's decree ['gezeirat ha-katuv'] that Tishrei is the new year for planting.

 According to this view, there are in fact two, concurrent systems in operation regarding the agricultural years of fruits. "Orla" and "neta revai" are permitted only after the completion of both systems: the "years of trees" – determined by Tu Bi-Shevat – and the "years of planting" – determined by the standard calendar which begins on Rosh Hashana (first of Tishrei). When a tree was planted thirty days before Rosh Hashana, the principle that a partial year is considered an entire year renders Rosh Hashana the end of the first "year of planting." However, the plants remain forbidden because of the agricultural year, which does not end until Tu Bi-Shevat. Conversely, if one plants within thirty days of Rosh Hashana (or after Rosh Hashana), the three agricultural years end on the third Tu Bi-Shevat, but the plants remain forbidden until the end of the "years of planting," i.e., on Rosh Hashana. Thus, according to this approach, the status of Rosh Hashana as the "new year for planting" in no way undermines the independent, halakhic status of Tu Bi-Shevat as the "new year for trees." The years of "orla" operate according to a two-tiered system, based on both Rosh Hashana as well as Tu Bi-Shevat.

 Rabbenu Chananel ("Rach"), however, understands the Gemara in a manner opposite to that of the other Rishonim. He maintains that the prohibition of the fruits until Tu Bi-Shevat pertains only to those fruits planted within thirty days of Rosh Hashana (while the other Rishonim understood the prohibition as applying specifically to those fruits planted thirty days or more before Rosh Hashana). Fruits planted thirty or more days before Rosh Hashana, however, become permitted on Rosh Hashana itself. Apparently, he also accepts the two-tiered approach, that there exist two systems of years – "years of planting" (Rosh Hashana) and agricultural year (Tu Bi-Shevat). Unlike Rabbi Shemuel Ben Rabbi David, however, the Rach holds that only one of the two systems of years need be completed to render the fruits permissible.

It emerges from our discussion, then, that the view of the Ba'al Hama'or, as understood by the Rashba, Ritva and Ran, corresponds to the position of Tosafot. This view sees Rosh Hashana as essentially the new year with respect to "orla," and Tu Bi-Shevat is merely the means by which we determine which fruits belong to the period before Tishrei and which to the period after Tishrei. By contrast, the view cited in Ribav and Rabbenu Chananel view Tu Bi-Shevat as containing independent significance. The season of the trees begins and ends on this day, the fifteenth of Shevat. According to their view, the Gemara's reason of "the majority of the year's rains have already passed" does not relate to the fruits' association to a given season, as Tosafot explained. Rather, this factor is the reason why we see Tu Bi-Shevat as the beginning of the agricultural year with respect to trees.

**III. The Festival of Trees**

 In light of all this we may now return to the Gemara's discussion whether "Shevat" refers to the month (determined by the Jewish, lunar calendar) or the season (dependent upon the solar calendar). Recall that Rabbi Yochanan asked when the new year for the etrog occurs. As noted, his specific mention of the etrog seems peculiar, given the fact that his question involves the very determination of Shevat as the new year for fruits, a status with serious repercussions in general. In light of our discussion, however, we may suggest that Rabbi Yochanan's question relates specifically to the fact that regarding the etrog, the determining factor is the time of "lekita," when the etrog is picked from the tree (Bikkurim 2:6; cited in Gemara Rosh Hashana 14b). Regarding other fruits, the determining factor is the "chanata," the time when the fruit ripens. Thus there exists no connection whatsoever between the etrog and Tu Bi-Shevat on the strictly agricultural level. Rabbi Yannai, who claimed that nonetheless Tu Bi-Shevat is the new year even for the etrog, establishes for Tu Bi-Shevat an independent status as the new year for all trees, including the etrog.

 Some Rishonim maintain that regarding olives, as well, the determining factor is not the ripening. If so, then the same question arises regarding olives - when is their new year?

 The Chiddushei HaRan (14a) answers unequivocally: "When we say that Shevat is the new year for trees, this pertains only to a tree, the requirement of whose tithing is only a rabbinic obligation. But regarding olives, whose tithes are required on a biblical level, we do not follow the time of ripening, and [hence] their new year is Tishrei."

 The Chazon Ish (Shevi'it 7:12), however, writes otherwise: "It seems that the year for olives, too, is [determined by] Tu Bi-Shevat... for the Mishna writes plainly, 'Tu Bi-Shevat is the new year for trees.' Even though the primary determination of Tu Bi-Shevat is due to the [fruits'] ripening [thereon, and regarding olives the ripening is inconsequential]... it is nevertheless the fixed year for all matters. After all, even regarding the etrog, the determining factor of which is the harvesting, the new year is Shevat..."

 According to the Chazon Ish, the discussion between Rabbi Yannai and Rabbi Yochanan revolves around the status of Tu Bi-Shevat as the new year for trees on the general level. Rabbi Yochanan questioned this status, and went on to ask Rabbi Yannai additional, fundamental questions regarding the establishment of this date - the month or the season, and the case of a Jewish leap-year. Rabbi Yannai consistently responded that the day of Tu Bi-Shevat is objectively defined as the new year for trees.

**IV. Conclusion**

 What emerges are two distinct understandings regarding the Mishna's establishment of Tu Bi-Shevat as the new year for trees:

1) The true new year is the first of Tishrei, as appears from the Mishna's comment, "The first of Tishrei is the new year for planting. Tu Bi-Shevat merely fills the technical role of clarifying with which year the given fruits are to be identified.

2) The 15th of Shevat is itself established as the new year for trees.

 This issue may very well be related to the dispute between Bet Hillel and Bet Shammai whether this day (which we call "Tu Bi-Shevat") occurs on the 15th of the month (Bet Hillel, the accepted position) or the first of the month (Bet Shammai). Bet Shammai may view Shevat as independently the new year for fruits; the appropriate date is therefore the first of Shevat. Bet Hillel, by contrast, may argue that Tu Bi-Shevat fills the technical role of determining the association of a given fruit. Alternatively, Bet Hillel may agree with Bet Shammai on the fundamental level but still insist on the 15th as the appropriate date. According to our approach, then, Rabbi Yochanan and Rabbi Yannai may have disputed which of these two possible understandings of the Bet Hillel's position is correct. As we have seen, the Rishonim dispute this fundamental question, as well.

 Clearly, the series of halakhot and customs we observe on Tu Bi-Shevat (the omission of tachanun, the prohibition of fasting, etc.) are based on the view that Tu Bi-Shevat bears independent halakhic significance.