

**Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 5**  
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**Daf 5a**

If so, why did the Torah write Sukkos in this Pasuk? To make a Hekish to Pesach. Just like you need Lina (sleepover in Yerushalayim) on Pesach, so too, you need Lina on Sukkos. Where do we know that you need Lina by Pesach? As it says “you should turn away in the morning and you will go back to your tent.”

Tosfos explains: it's not that we thought that you need to sleepover all seven days of Pesach, and after Pesach, you get up to leave. After all, we see that all the places where we have a Drasha that some time needs a sleepover, like for Shmini Atzeres or Bikkurim or Pesach Sheini and all the Korbonos brought in the Sifri on Pashas Re'ah, doesn't require it for more than one day. Also, the Pasuk to require this for a Korban Pesach is written in Parshas Re'ah “you should Shecht the Pesach towards evening etc. And you should cook and eat it and leave at morning.” However, that leaving can't mean the next morning, since that's Yom Tov. Rather, like Rashi explained, that it requires him to sleepover a night of Chol Hamo'ed.

Tosfos is bothered by the question: in Mesechta Sukka, it implies that he needs to sleepover the whole week, since it doesn't ask by Lina that it doesn't apply for all seven like it asked by making the Bracha Shehechiyanu.

Tosfos answers: that means; if you didn't come to Yerushalayim for the first day, only on the second day or some other day of Sukkos, you need to sleepover that night. The same applies if he comes on one of the seven days of Pesach (he needs to sleepover).

Tosfos asks: (why does the Torah tell us to sleepover that night?) After all, we would need to sleepover anyhow because we needed to sacrifice a Shalmi Simcha, which was brought on all eight days. As the Mishna there says; Hallel and Simcha apply all eight days. So, since we have the Halacha that, anytime someone brings a Korban that day, he needs to sleepover. As we were taught in the Sifri “you should leave in the morning and return to your tent.” This teaches us that it needs Lina, i.e., all Korbonos similar to Pesach. I might think it only includes these; how do we know that we should include if you brought fowls, a Mincha, wine, frankincense and wood? So, the Pasuk says “you shall leave,” connoting that all your leavings should be in the morning. There is an argument whether this applies to Pesach Sheini, as we see in Sukkos etc. and the Sifri says the reason for the one who says it needs Lina is because it's no worse than frankincense and wood.

Tosfos answers: you find a case where you didn't bring a Korbon on the day you came to Yerushalayim, like in the case where you sent your Korban ahead of you the day before, since it could be eaten for two days and a night. Also, (it's not necessary to bring a Korban for the Simcha), since the Gemara in Chagigah says that the Pasuk “V'Simachta” comes to include other types of Simcha (besides a Korbon) to be Yoitza the Mitzva of Simcha. We also say in Pesachim that you can be Yoitza with clean clothing and old wine. Also, he can't be Yoitza in any other way for all eight days when the first day falls out on Shabbos. (You can't say that you bring a Shlomim Erev Yom Tov), since you need to Shecht it at the time of Simcha (during Yom Tov). We find this concept in the Yerushalmi. That, which we learned that it needs Lina, it only refers to a case where you don't bring a Korbon that day. After all, if you already brought a Korbon, you anyhow need to have Lina

because of the Korbon.

However, in Zevachim, it somewhat implies that you need Lina for all seven days of Pesach. As the Gemara says; regarding what we learned that R' Tarfon says; "if you cooked in this vessel (meat from Korbonos) on the first day of the festival, you can continue cooking it the whole festival," R' Yitzchok says his reason is because the Pasuk says "you leave in the morning and return to your tent," the Pasuk makes it into one morning (that we consider the whole Yom Tov as one day, so the absorptions in the vessel doesn't become Noisar, since it never passes a day). Although we don't Paskin that way, as we asked there "could it be that there is no Pigul or Noisar during the festival?" However, we can say that, regarding Lina, the Torah made it like one morning, as the simple reading of the Pasuk that he doesn't return until after the festival. This would fit well that we learn that (Shmini Atzeres and) Bikkurim and other Korbonos are learned that you need Lina from "and you shall leave," (and we can't say that you need Lina anyhow by Sukkos since you need to bring a Korban). After all, we need the Hekish of Sukkos, because if it was only because of "you shall leave" (that you need to stay over when you bring a Korban) I might say that's only for one day, so the Hekish tells us you need to be there all week, since we consider the whole festival as one morning like we do for Pesach. It, now, also fits well what the Gemara in Sukka says that you need Lina all seven days.

The Gemara asks: the Tanna Kama and R' Shimon (who uses this Pasuk to teach us about Baal T'achar), how do we know you can make up the Korbonos of Shvuos (for seven days)?

The Gemara answers: they learn it from Rabbah b. Shmuel: the Torah says that you count a certain amount of days and you make Rosh Chodesh and count days and make Shvuos. What do we see by Rosh Chodesh, that you can only bring its Korbanos for the amount of time as the unit that you counted (a day), so too by Shvuos. The Gemara asks: if so, perhaps you could only bring the Korbon on Shvuos for one day (since we count forty-nine days)? Rava answers: do we only count days until Shvuos, but not weeks? After all, Rabbah says that it's a Mitzvah to count both the days and the weeks. Also, we see that the Torah calls it the festival of 'Shvuos,' (i.e., of weeks).

Tosfos says: we have a similar Gemara in Menachos regarding the argument with the Baytusim who explains that Shvuos is always after Shabbos (since you only start counting 'Sefira' after Shabbos). R' Yehoshua taught (that we count after the first day of Pesach) since we see the Torah says to count the days and then make Rosh Chodesh, and similar, the Torah says to count the days and make Shvuos. Just like by Rosh Chodesh that is "recognized right before it comes in" so too Shvuos. This means; when 'coming' to make the calculation, you know when to start counting, i.e., you count the twenty-nine days from the new moon. So too Shvuos, you need to know when to start counting the fifty days, so you need to recognize an established day to start counting, which is the sixteenth of the month, which is the next day of the first day of Yom Tov. However, if we wait to start counting after the next Shabbos there is no recognizable established day, because sometimes it would be the sixteenth, seventeenth, eighteenth or nineteenth, like Rashi explains there.

However, R' Tam there explains: just like, right before the coming of the month, you can tell when it will be Rosh Chodesh, i.e., after the moon is hidden, you know the new moon is coming and tomorrow Beis Din will sanctify it as Rosh Chodesh. Also, you'll need by Shvuos to be able to know before they start counting what to look for when they'll make Shvuos. I.e., if you always count by the sixteenth, you can check out the moon how it looks on the fifth, and you know, when the moon gets to that size during Sivan (you know it's the fifth) and they'll make Shvuos the next day.

On that, the Gemara asks: maybe they start counting after the last day of Pesach, i.e., you should look at the twelfth of Nissan to see how big the moon is.

R' Meshulum text reads in both Gemaras: “you count years and you sanctify Yovel” (so too, you count days and sanctify Shvuos). The reason for this is; we know that you count days for Rosh Chodesh from the Drasha in Mesechta Megila from the Pasuk that says; “until a Chodesh of days.” You count days for a Chodesh and not the hours. This is a rabbinical Drasha, so it wouldn't be applicable the statement of the Gemara “the Torah says” only for something that is so simple reading of the Pasuk that the Tzedukim agree to that interpretation. This is similar to what it says afterwards there, “this is what the Torah says: bring the Korban Omar on Pesach and the two loaves on Shvuos” which are written explicitly. So too, the counting of Yovel is also explicit, and you can always tell when it will start the count, since you always start counting right after the last year fifty (Yovel). The same with Shvuos, you can always tell when they'll start counting, since they always start counting after an established day, which is a day after the first day of Yom Tov, and it will never change.

Tosfos asks: (that we don't need to say when the Gemara says “the Torah says” it means only what it says explicitly), as we say later that “the Torah says” libate water before me on Sukkos even though the Tzedukim don't agree with it (as we see in the story where a Tzeduki Kohain poured the water on his feet as protest) and the whole nation ‘stoned’ him with their Esrogim. It's not probable to differentiate since it say “why did the Torah say etc.” (and not “the Torah says”).

We also see that we Darshen “the Olah of the month in the new” that the Torah says to take from the new Trumah (from the new coins), even though the Tzedukim don't agree to it, since they hold that individuals may donate the Korbonos, as it says in Megilas Taanis and brought there in Menachos.

However, we find a place that gives a basis to his words. (Although it may be proper to say “the Torah says” on things that Tzedukim don't agree to) still, here it needs to be something they agree to, since R' Yehoshua brought this Drasha to convince the Baytusim, and if they don't agree to the Drasha, what kind of answer would this be? However, it's not enough of a reason to erase our original text. *[Rash from Desau (in the back of the Gemara): for, perhaps, R' Yehoshua is only telling us how we learn the Drasha, and not how to convince the Baytusim.]*

Tosfos has another proof that we learn Shvuos from a unit for what you count the month (i.e., days): We find later that one day in a month can be counted as a month, so thirty days in a year can be counted as a year; just like we can consider the unit you count the month as a month, so too you count the unit you count a year (i.e., months) as a year. (So, we use a month as the paradigm as considering the units it's counted by.)

Another question: if it's true that we learn it from Yovel, when the Gemara asks: perhaps Shvuos is also only a day like its count, and the Gemara answers; do we only count days until Shvuos and not weeks. Why don't we reject that by responding; Yovel is also counted by years and Shmita cycles, and yet it's only for a year which is its lowest unit count, we should say the same by Shvuos that it's one day since we always assume the lower amount. However, if you learn it from a month, you can't ask to learn it from Yovel, since we can say it's better to learn it from a Chodesh, since both tell us when to bring a Korbon, as Rashi explained.

If you would ask: perhaps we should still say we should only assume the lowest count and it

should be only one day. The reason we can't say that: since we compare it to Chodesh, you need it to be the amount of all the units we count it with, just like a month is for every unit we count it for (i.e., since there is only one unit, by definition it has every unit it's counted to.)

Another explanation to the Gemara in Menachos: what by a month we always know before it will come the exact amount it will be since we know that it would be Rosh Chodesh when it passes thirty days from the last Rosh Chodesh. The same by Shvuos, you should know beforehand that it will come after a universal amount of days, that you'll always make Shvuos after fifty days. However, according to the Tzadukim there is no universal amount, since occasionally it's more (than fifty).

### New Sugya

One of the items in the Braisa that you can't leave for three festivals is a Korban Pesach. The Gemara asks: is the Pesach something that you can wait over festivals to bring? After all, it has its set time to bring it (Erev Pesach). Either you bring it then or, if you don't, it's pushed off from bringing it again. Tosfos explains: so, you'll transgress Baal T'achar immediately.

R' Chisda answers: Pesach was just listed along with the other Korbonos (even if it's not applicable). R' Sheishes answers: what do we mean by Pesach? It means a Shlomim that comes from a Korban Pesach. The Gemara asks: but we already listed a Korban Shlomim? The Gemara answers: it lists (two types of Shlomim) a Shlomim that comes from a Pesach and a Shlomim that comes by itself (i.e., was originally a Shlomim). (The Chidush of a Shlomim that comes from a Pesach) that, I might have thought since it comes from a Pesach it should have the status of a Pesach (and you transgress after the first festival) so we're taught otherwise.

Tosfos explains: that it got lost and you brought another one in the meantime, and then you found the first one, it's brought as a Shlomim. So, if you pass three festivals and didn't bring it yet, you transgress Baal T'achar.

In Zevachim, where they brought that there is a Drasha that includes a Nazir's Shlomim and a Pesach Shlomim into the category of those that are eaten for one day and one night only. Rashi there defines a "Pesach Shlomim" as the Korban Chagigah brought on the fourteenth of Nissan along with the Pesach. Tosfos disagrees. After all, the Gemara in Pesachim says that it's eaten for two days and a night. Although b. Teima's opinion there is that it's only eaten for a day and a night, but that's because he learns a Hekish between it and the Korban Pesach. As it says; "the Korban of the Chag" this is the Chagigah, and afterwards it says; "the Pesach" this is as its simple meaning. (So, this is a Hekish between them). However, for the Halacha in Zevachim they learn a different Drasha, since it says "Todas Shlomav." Therefore, it seems that it refers to the same Shlomim that Rashi explains here (that it was once a Pesach and a different Pesach was brought.) Tosfos continues: it's now fits well to what it says in Pesachim, "why don't you say the reason (by one of these Korbonos) because it's a leftover of a Korban Pesach which can only be eaten for a night and day because of 'Todas Shlomav.' "

Tosfos says: however, in Zevachim, we Darshen "if a sheep" to include a Pesach that passed its year (that it's only Kosher for a Pesach if its within its first year) and a Shlomim that's brought because of a Pesach, they all have the Halachos of Pesach. Over there, the only definition it could be is the Chagigah brought on the fourteenth, because we learn this by all leftover Korban Pesach from three P'sukim, one Pasuk to teach us if it passes its year (that it becomes a year old) and passes

its time (passed Pesach). One to teach us if it passed its year, even if it's before Pesach, and one to teach us if it doesn't pass either (but you Shecht it for a Shlomim). [So, we see you can't learn it completely from one Pasuk like this Braisa does.]

However, we could explain that it refers to the leftover Pesach (although we have a different Pasuk to Darshen it) since it's the way of the Tannaim to make an Asmachta to learn two things from one Pasuk, although it's really learned from two separate P'sukim. Like we see in Eilu Metzious that the Pasuk "you shall turn aside" (from returning a lost object) that we Darshen to include a Kohain who doesn't go into a cemetery to fetch the object, or an elder who it's below his dignity to take it, or if his loss of work would be more than the gain of the object. Although we need two P'sukim and we don't learn it out to all of them, but only to one of them, as it explained there. The same we find in Mesechta Chagiagah that they learned from 'Regalim' that a person without legs (who needs crutches to pull himself) is exempt from Olah Regel (even though it includes other people in the Drasha and the Gemara brings other P'sukim for each one).

Also, we see that the Pasuk "if a sheep" includes a Temurah of a Pesach that was brought after Pesach for a Shlomim, and it defines it was found after Shchita (of its replacement) and he did the Temurah after Shechting. However, this is definitely an Asmachta since it's simple and doesn't need a Pasuk.

#### Daf 5b

The Gemara asks; how do we know this (that there is Baal T'achar on all those items)? The Gemara answers: we learned: the Pasuk says explicitly "when someone makes a vow (to bring a Korban)," I might say it applies only to a vow (where I vow to separate a Korban), how do I know that it applies even when he donates a Korban (separated an animal for a Korban)? It says here "a vow," and it says by the Parsha of Korbonos "a vow and a donation." Just like that Parsha, it includes a donation to be like it (a vow), so too here (by Baal T'achar), a donation is like a vow.

Tosfos points out that the Gemara could have proved from the Parsha of Baal T'achar itself, since it says "like you vowed a donation."

The Pasuk here continues "to Hashem your G-d," which includes 'worth' (by saying the worth of a person is upon me to donate to the Mikdash), Erichin, Charamim, and Hekdish.

Tosfos explains: all these items have the word "to Hashem" written by them. By Erichin, it says "with the Erech of the souls to Hashem." By Charamim, it says "it's holy of holies to Hashem." After all, in Mesechta Bechoros, we Darshen that Pasuk to refer to Charamim for Kohanim. By Hekdish, it's written "when someone makes his house Kodesh to Hashem."

Tosfos asks: from that same Pasuk we should also learn this Halacha by Chatos, Asham, Olah and Shlomim, as we Darshen later, since it says "to Hashem your G-d" by the Pasuk saying that you should watch the words that come out of your lips" (i.e., bring the Korbonos that you promise).

Tosfos answers: we'll see later, since we had another Pasuk to teach us about Hekdesh for the Beis Hamikdash's upkeep, from "that you spoke," so they needed the Pasuk "Hashem your G-d" for Chatos and Asham, since it's logical to say that's what it's for. However, here, if it wasn't for the fact that it's written "you shall demand" to include a Chatos and Asham, then we would have

used this Pasuk (of “to Hashem” for these Korbonos) and we wouldn’t have known that you transgress it by Erichin, Charamim and Hekdesh. (Also, if we would have used the Pasuk of “to Hashem” for the Chatos, we couldn’t learn the Pasuk of “you shall demand” to include the Erichin etc., since it connotes that it comes from a sin.)

The Pasuk continues “don’t push off from paying them” this excludes exchanges (for Korbonos, that you’re exempt if you delayed bringing them). The Pasuk continues “when they demand you” this comes to include Chatos, Ashamos, Olos and Shlomim.

**Tosfos explains:** since these items are demanded from you since they’re an obligation upon you.

**Tosfos explains** “Olos and Shlomim” as Olah Riya and Chagigah which are obligations. After all, we already learned voluntary Korbonos from “when he makes a vow.”

**Tosfos asks:** but the Chagigah and Riya have a certain time to bring them, so we should have said if you bring it in that time, it’s brought etc. (if it wasn’t, then you should transgress it right away) the same way they asked this by a Korbon Pesach.

**Tosfos answers:** even so, if it was separated but not brought, you can still transgress Baal T’achar (in three festivals) since the Korbon doesn’t become Pasul by not bringing it at that time.

There are those who learn Chatos from the word of “Drisha,” which is used by a Chatos from the Pasuk (by the last day of Miluim) that “Moshe Darshened.” We can learn Asham, Olah and Shlomim from a Hekish to Chatos, as it says “this is the Torah etc.”

However, Tosfos concludes that it can’t be true. After all, we should have learned volunteer Korbonos from there too. Also, we should have learned B’chor, Maasar and Pesach from there, since they’re all part of the Hekish.

“Hashem your G-d” this includes Tzedakah and Maasar and B’chor.

**Tosfos explains:** we can’t learn Maasar and B’chor from “when you Doresh,” since their obligation is not similar to the obligation of Chatos and Asham. After all, if you don’t have a B’chor or Maasar, you’re not required to get one. We don’t have the text of ‘Pesach.’ After all, even if it means “Shlomim from a Pesach,” as R’ Sheishes explains earlier, still, we should be able to learn it out from where we learn all Shlomim from. However, there is a way to differentiate between them (to say that we just can’t learn it from the same source of other Shlomim).

“From your nation” to include Leket, Shichicha and Pe’ah. “And there should be by you a sin,” but there would be no sin in your Korbon (when you bring it afterwards, i.e., it doesn’t Pasul it).

The Gemara will now examine parts of the Braisa. We said; “don’t push off from paying them” this excludes exchanges (for Korbonos, that you’re exempt if you delayed bringing them). What type of exchanged Korbon do we refer to? If it’s an exchanged Olah or Shlomim, it’s brought on the Mizbeiach (and should apply the prohibition like all other Korbonos). If it’s an exchanged Chatos, we know that they must be left to die (and you don’t bring it, so of course, you can’t transgress pushing off bringing it).

**Tosfos adds:** if it’s an exchange for an Asham, it needs to be left to pasture (to receive a

blemish and then redeem it). After all, we Paskin that anytime a Chatos dies, an Asham goes to Pasture.

**However, R' Tam explains that, the Torah law, that the Asham can be brought as an Olah (i.e., it's only rabbinic to leave it to pasture), we can also say that it could be brought as a Korbon.**

Rather, we must say it refers to an exchange of a Toda Korban like the following Braisa: R' Chiya taught. If a Korban Toda gets mixed up with its exchanged Korban (which is brought like a regular Shlomim without the forty breads) and one of them dies, the other one can't have any way to bring it. After all, what should you do? If you'll bring bread with it, that's impossible. After all, perhaps it's the exchanged Korbon which you can't bring the bread. If you bring it without bread, this is also impossible. After all, perhaps it is a Toda and it needs bread. The Gemara asks: if it Halachically can't be brought, why must we need a Pasuk to tell us you don't transgress Baal T'achar? (After all, it only refers to Korbonos that can be brought).

Rather, R' Sheishes answers: really, it refers to exchanges of an Olah and Shlomim. The case is; where two festivals passed on the original Korban and it gets a blemish. You redeem it on a different Korban and it passed a third festival. I might have thought that, since it's coming because of the original Korban, it's as if it passes three festivals, so we're taught otherwise (that you need three festivals from making this exchanged Korban holy).

The Gemara asks: how would we answer this according to R' Meir who holds that you transgress after one festival? (After all, you don't need to combine multiple festivals to transgress).

Rava answers: it refers to getting the blemish in middle of the festival and redeeming it then in middle of the festival.

**Tosfos explains: you haven't transgressed Baal T'achar unless it passed the whole festival.**

I might have thought since it's coming because of the original Korban, it's as if it passes the whole festival with the Korban, so we're taught otherwise.

The Gemara examines another part of the Braisa; "and there should be by you a sin," but there would be no sin in your Korbon (when you bring it afterwards, i.e., in doesn't Pasul it). The Gemara asks: don't we know this from another Drasha; as we see Acheirim Darshins; I might have thought that a B'chor that passes its first year should be Pasul (since you transgressed what the Torah required you to bring it within the first year), so the Torah says "and you should eat it before Hashem, your grain, wine and oil Maasar and your cattle and sheep B'chor." We have a Hekish between B'chor and Maasar. Just as Maasar is not Pasul from one year to the next, so too a B'chor isn't Pasul.

**Tosfos brings Rashi's explanation: (we see that the Maasar doesn't get ruined) since it says that, only after three years, you need to remove all your Maasaros (Biur), even if you kept them for the first and second year.**

**Tosfos is bothered by the question: we explained earlier that there may be Baal T'achar to grain after they were separated but wasn't distributed, and the Pasuk of Biur is needed for those Maasar the wasn't separated yet, so Biur was not said by Maasar that you kept for years.**

**Tosfos answers: (although it was not necessary for them), it's still referring to all Maasar that is around, you need to distribute them by Biur.**

**Tosfos asks: in all our Gemara, why did the Gemara assume to Pasul these items that we need a Pasuk to explain why they're really permitted? Also, later when we have a Drasha that only Pigal can't be used to appease, implying that there is no concept of not appeasing by putting off bringing your vowed Korbon. (Here too, we can ask), why is this Drasha necessary?**

The Gemara answers: I might think it only applies to a B'chor that's not brought for appeasement (not to atone for a sin (Chatos), nor as a gift (Olah)).

**Tosfos explains: because an Olah atones for Aseis that you didn't fulfil, as it says in the first Perek of Zevachim.**

But other Kodshim that are brought to appease, I might say (since you transgressed a law with this Korban) that it doesn't appease, so we're taught otherwise.