

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 6
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Daf 6a

The Gemara asks: you already know that from Ben Azai's Drasha. The Pasuk says 'it' (Pigul). This teaches us; since we know there is a prohibition to push off bringing a Korbon, I might say that if you do push off bringing it that it won't be accepted, so the Pasuk says 'it.' Only 'it' (Pigul) is not accepted as a valid Korbon, but not someone pushing off bringing his Korbon makes it unaccepted as a valid Korbon.

Tosfos is bothered by the question: R' Elazar in Zevachim argues with Ben Azai's Drasha and learns 'it' (the Korbon) is unfit, but doesn't render the Kohain unfit from performing the service afterwards. So, perhaps Acheirim agree with R' Elazar, so how can you ask that we should know it already from Ben Azai's Drasha?

Tosfos answers: the Gemara wanted to answer that it could fit into Ben Azai too.

Tosfos asks: the Gemara in Zevachim concludes like our Gemara. However, the Gemara there pushes itself to have Acheirim explained to fit into Ben Azai. However, it Temurah (regarding the Sugya of R' Yossi saying three statements from three elders) says; Ben Azai who learns the Hekish between Maasar and B'chor to teach us that Maasar can only be eaten within Yerushalayim's walls just like B'chor does, doesn't hold of Acheirim (who holds the Hekish teaches us that the B'chor isn't Pasul after the year is up). The Gemara there asks: the Rabanan (who argue with Acheirim); how do they know that a B'chor is not Pasul from one year to the other. (So, why is our Gemara compelled to fit Ben Azai into Acheirim if the Gemara Temurah seems to say they certainly argue?)

Tosfos answers: you don't need to worry if the Gemara goes out of the way trying to fit him into everyone.

Rather, the Gemara says; the Drasha for "and there should be by you a sin" is; with you there is a sin, but not with your wife. After all, since we see that R' Yochanan, or R' Elazar, says; a person's wife doesn't die (early) unless they ask from him money (to pay his debts) and he doesn't have. As the Pasuk says "if he doesn't have what to pay, why take your wife from under you."

Tosfos quotes Rashi in Zevachim who explains paying back what you stole. However, Tosfos says that it refers to paying for what you vowed, as it says in Mesechta Shabbos; R' Nosson says; because of the sin of vowing does a wife die, as it says "if you don't have what to pay, why take your wife from under you." On that, it says here "that it's a sin to you" and not for your wife. (Although our Pasuk refers to not paying your vow, however, it's not that he never pays, but rather), it refers to paying afterwards, but you just transgressed Baal T'achar.

So, I might think that she also dies from the sin of pushing off bringing a Korbon, so the Torah teaches us otherwise.

New Sugya

We learned: the Pasuk says “what comes from your mouth,” this is an Asei (to command to bring your Korbonos on time).

Tosfos explains: as it says in another place “what comes from your mouth you shall do.”

“Should watch” this is a Lav (not to push it off).

Tosfos asks: we say in Eiruvin; R' Akiva established the Pasuk “watch this stature” to refer to the Korbon Pesach, yet, (despite saying to ‘watch’) it’s only an Asei since the word ‘watch’ referring to a positive commandment is in itself only an Asei. (It’s only a Lav when referring to a negative commandment.) We find the same concept in the last Perek of Yuma on that which Reish Lakish said, the reason the Torah didn’t write a Lav by suffering (i.e., to fast on Yom Kippur) since it’s impossible to frame the Lav, because how would it be written? The Gemara there asks; let it say “watch (to make sure) that they’ll be suffering?” The Gemara answers: since it says “to watch” from transgressing an Asei, so it has the status of an Asei. Therefore, (we can ask on our Gemara) that this ‘watch’ also refers to an Asei, that he should pay what he vowed, which is an Asei (like we said in the Gemara) from “what comes out of your mouth.”

Tosfos answers: leaving T’filin on you after sunset (which is another explanation for the Pasuk of “watch this stature”) is a true Asei (so, the ‘watch’ on it is also an Asei). However, ‘watching’ in our Pasuk really refers to the Lav of Baal T’achar, that you should watch to make sure you don’t push it off.

Tosfos explains: according to R' Yochanan, who says regarding putting T’filin after sunset, that the ‘watching’ written by an Asei also has the status of a Lav, therefore, that which we always consider the Korban Pesach and Mila only Aseis, it can’t be like R' Akiva (since he holds that the Pasuk “watch this stature” refers to Pesach, and according to R' Yochanan, it should be a Lav). However, if comes out that Reish Lakish’s words are not sustainable (was disproved) [and therefore, R' Akiva must hold Pesach is a Lav]. However, this can’t be that, what we hold them to be Aseis doesn’t fit with R' Akiva, since it’s a Mishna in Krieses, and the Gemara implies that the author of the Mishna is R' Akiva, since the Mishna only lists the magic Ov and not Yeduni (that R' Yochanan explains; because it’s one Lav with Ov (so it doesn’t need to list both) and not because it doesn’t have an action, so it can fit into R' Akiva that obligates even without an action). Therefore, we must differentiate between this (which is an Asei) and other times it says ‘watch’ by Aseis (that R' Yochanan says are Lavs). [*Bach brings Tosfos in Eiruvin that explains: R' Yochanan only said it when there is a forbidden action, like placing T’filin after sunset, but not when there is no action, like not bringing a Pesach.*]

“And you should make” this is a command to Beis Din to force one to bring his Korbon. “As he vowed” this refers to a Korban that he vowed to bring. “To Hashem your G-d” this refers to Chatos, Ashamos, Olos and Shlomim. “A donation” this is a donated Korban, as it implies. “As you said” this refers to donations for the Mikdash’s upkeep. “In your mouth” this is Tzedakah.

Tosfos explains: since it says “Tzedakah comes out of his mouth.”

The Gemara now asks: the Braisa says, “what comes from your mouth,” this is an Asei (to bring the Korban). Why do you need it? We should know this from another Asei “you shall come up and bring it.” Also, the Braisa says “should watch” this is a Lav (not to push it off). Why do you need it? We should know it from “Baal T’achar.” The Braisa continues “and you should make” this is a command to Beis Din to force

one to bring his Korbon. Why is this needed? We already know this from “you should make him bring” which teaches us that you force him to bring. I might think you force it against his will? So, the Torah says “through his will.” So, how is it done? You force him until he says he wants to bring it.

Tosfos is bothered by the question: the Torah requires forcing someone to fulfil all Mizvaos Asei, as we say that we hit him to fulfil it until his soul leaves him. So, why do you need another Pasuk for a Korbon?

Tosfos answers: I might think that we shouldn't force him here since it says that he must bring it through his own will.

Tosfos asks: the Gemara in Erichin says; you don't take a collateral from those that are obligated in Chatos and Ashamos (to make sure they bring it, since we assume he wants to bring it to get an atonement), but you take a collateral from those who are obligated in Olos and Shlomim. What is the case? If he didn't pass the time that he'll transgress Baal T'achar, you shouldn't take a collateral even for Olos and Shlomim. If it passed the time for Baal T'achar, you should also take a collateral for Chatos and Ashamos.

Tosfos answers: really, we refer before he transgressed Baal T'achar. However, we see he's lazy getting around to bring it and he's spending irresponsibly so that he shouldn't have money remaining to be able to buy it. Therefore, we take a collateral, and if he doesn't have what to take, we force him, like we say here.

Tosfos asks: why must you take a collateral for Olos more than Chatos and Ashamos, since they also atone for transgressing Aseis?

Tosfos answers: since we say that, if you repent, he doesn't leave the spot before they forgive him. Therefore, he can get complete atonement from repentance, so it's not similar to Chatos and Ashamos (where he doesn't get an atonement without the Korban).

The Gemara answers: we need one Pasuk to teach us if he vowed to bring but didn't yet separate it, and one for if he separated it but didn't bring it to be sacrificed. We need them both. If the Torah only obligated for vowing and not because he didn't keep what he said. However, if he separated but just didn't bring it, I might say that he doesn't transgress anything since it belongs to Hashem wherever it is (so, by not bringing it to the Mikdash doesn't refrain it from being Hekdesh). If it just said that it's prohibited after it's separated when it's not brought, since you're refraining bringing Hekdesh what belongs to it, but if you only vowed to bring it, I might say he doesn't transgress anything since it's only speaking (which is not something tangibly Hekdesh).

The Gemara asks: how can you say that we refer to a case where it's vowed but not separated? After all, the Pasuk says it also refers to a donated Korban, and we learned (**Tosfos: this is a Mishna in Kinim**) that a vowed Korbon is when he proclaims “the obligation to bring an Olah is upon me,” and a donated Korban is when he says “this animal should be an Olah.” What's the practical difference between a vowed and donated Olah? If the vowed Olah gets stolen or lost, the owner is obligated to replace it while an owner is not obligated to replace a donated animal. (So, there is never a time by a donated Korban that you only proclaimed to bring one but is not separated, since it's separated at the time of the vow.)

Rava says: we find a case where he says “it's upon me to bring an Olah on condition that (once I separate it and it gets stolen or lost) I'm not obligated to bring a replacement.” **Tosfos points out that this**

is not a problem of making a condition that goes against what the Torah wrote. [*Tosfos Harosh: since the Torah allows a donation, so you're making a condition that you should bring a donation.*]

Tosfos explains: the answer (that one refers to vowing and not separating and one is separating and not bringing) was to answer what we asked why do we need two P'sukim to tell us there is an Asei, a Lav and we force him to bring it.

To that, we answer: we need two P'sukim. One for vowing and not separating and one for separating and not bringing. To that, the Gemara asks: how can you say that it refers to vowing without separating if the Pasuk refers also to a donation. I.e., how can you establish the Asei, the Lav and we force on the Pasuk referring to a donation when he vows without separating? After all, it seems they all refer to a donation like a vow, since in that Pasuk it says "a donation," and we explained earlier that it refers to a donation Korban as its simple meaning. Thus, how can we say that it refers to vowing and not separating? After all, that's only applicable by saying "it's upon me to bring," and that's a vow that you don't separate at the time. However, a donation is defined by saying "this (animal) is a Korban," so it's separated at the time. As we learned: what is a vow etc.

On that, the Gemara answers: we find a case where he vowed and didn't separate, that sounds like a vow Korban, however, we can find that both cases (of vowing and not separating, and separating and not bringing) to apply by a donation Korban too. This is when he says "it's upon me to bring an Olah on condition that I'm not responsible to replace it." When he says "it's upon me" it's like a vow, but you want to make it like a donation that you shouldn't be obligated to replace it. Therefore, it can be a case where you vowed and didn't separate in a Korban that's similar to a donation, since you made this in a way not to obligate yourself to replace it like a donation.

New Sugya

The Braisa says: "in your mouth" this is Tzedakah. Rava says that you transgress pushing it off immediately, since there are poor people to give it to. The Gemara asks: this seems to be simple (so, why mention it?) The Gemara answers: since it's written together with Korbonos, I might say that you always need to wait three festivals like Korbonos, so we're taught otherwise. The Torah only makes the prohibition on Korbonos dependent on the passing of festivals, but here (by Tzedakah) it's not that way since there are poor people to give it to.

New Sugya

Rava says: once it passes one festival, you transgress an Asei. The Gemara asks: R' Yehoshua and R' Papayis testified on a child of a Shlomim is brought as a Shlomim. R' Papayis said that we had a cow of a Shlomim and we ate it on Pesach and its child on the Chag (Sukkos). The Gemara explains the question: I understand why they couldn't eat it on Pesach, since it could have been too young to sacrifice it (since it needs to be at least eight days old). However, how can they leave the child from being brought on Shvuos and transgress the Asei?

Daf 6b

R' Zvid quotes Rava to answer: we refer to a case where the child was sick during Shvuos (which renders it unfit to be brought as a Korban).

Tosfos explains: it's Pasul to be brought, as the Mishna in Bechoros says that an old, sick or

smelly animal is Pasul. We Darshined in Temura from the Pasuk “from the sheep, from the ewes and from the goats.” (The three ‘from’s excludes the three types written earlier.) Also, the Pasuk in Malachai says “when you bring forth a lame or sick (on the Mizbeiach), isn’t it wrong.”

R’ Ashi answers: when the Braisa says that they ate it as a Shlomim during the Chag, (it doesn’t refer to Sukka as we thought), but it refers to the Chag of Shvuos. However, Rava didn’t want to answer that, since, whenever mentioning Pesach, the Tanna always uses the term ‘Atzeres’ to refer to Shvuos. (Thus, Chag needs to mean Sukkos.)

New Sugya

Rava says: once it passes three festivals, the owner of the Korban transgresses the Lav of Baal T’achar daily. The Gemara asks: the Braisa says; it doesn’t matter whether it’s a B’chor or it’s any other Kodshim, once a year passes, though it didn’t pass those festivals, or it passed the festivals, but not the whole year, he transgresses Baal T’achar.

Tosfos explains: it explicitly uses the case of B’chor, since the main source that you need to bring a Korban within the year is written by B’chor. As it says by B’chor “it should be eaten by each year.” However, we learn that this applies to all other Kodshim since it says ‘all’ (to include them).

The Gemara asks: what kind of disproof is this? (After all, where did it address if he transgresses daily or not?) R’ Kahana injected: the one who asked from this asked properly. After all, since the Tanna is trying to find all possible ways to transgress the Lav, (if it’s true that he transgresses it daily), it should have said so. However, Rava could explain that the Tanna is only interested in the initial Lav, but was not dealing with extra Lavim.

The Gemara now examines the Braisa. It doesn’t matter whether it’s a B’chor or it’s any other Kodshim, once a year passes, though it didn’t pass those festivals, or it passed the festivals, but not the whole year, he transgresses Baal T’achar. The Gemara asks: I understand how you have (three) festivals without passing a year, but how can you have a year pass by without festivals? This makes sense according to those who need the festivals to pass in order (so, if you make it Hekdish after Pesach, it doesn’t pass the three festivals in order until after a year and a half).

Tosfos explains: we find passing festivals and not a year when he made it Hekdish before Pesach. I understand according to the opinion that you need the festivals in order, you can find a case of a year without festivals if you make it Hekdish right after Pesach.

However, how can this be according to those that don’t need the three festivals to pass in order?

Tosfos is bothered by the question: you can find a case where you made it Hekdish in middle of a festival. Therefore, since you need to pass a full festival, as we said earlier, when it gets to the next year, you only passed two full festivals.

Tosfos answers: since, when it comes the next year, (you already passed half of this year’s festival), we combine the half of last year’s festival to the beginning of this year’s festival to make a complete festival.

The Yerushalmi answers the question by saying it was made Hekdish before it was eight days old (and can’t be brought) on Pesach. (Therefore, it reaches a year by next Pesach, but it didn’t

have three festivals that it was fit to bring.) However, later in our Gemara, it seems to imply otherwise. It says that we don't count the year of the B'chor only from the time it's fit to be brought.

The Gemara suggests: I understand a case according to Rebbi by a leap year. As we learned: the full year (regarding redeeming a sold house in a walled city), Rebbi says that it's three hundred and sixty-five days like the solar year.

Tosfos quotes Rashi: the same applies to all other times you need a year, as we learn in Erichin that he extrapolates them from the "full year" of a house of a walled city.

The Chachumim say that it's twelve (lunar) months to the day. If they make it into a leap year, then he gets the extra month (to redeem). Therefore, I can find a case according to Rebbi, when you made it Hekdish right after Pesach,.....

Tosfos points out: it's not exact that it must have taken place after Pesach, since the same could have been said if you made it Hekdish during Pesach, as it implies earlier, that it needs to pass through the whole festival.

..... and (in a leap year) it will finish the year at the end of the second Adar and it hadn't yet go through the cycle of festivals. However, how is a case found according to the Rabanan?

Tosfos points out: according to R' Meir who says that you transgress after passing one festival and according to R' Elazar b. Yaakov that says you have two festivals, you won't find (a year without festivals) unless it was sick during the festivals. We could have answered that (it was sick) for Rebbi and the Rabanan too (but decided to find other answers).

The Gemara answers: we find it like R' Shmaya who says that Shvuos sometimes falls on the fifth of Sivan, sometimes on the sixth and sometimes on the seventh. (Since it's always on the fiftieth day from Pesach, the date depends on the number of days in Nissan and Iyar.) If both months were full (thirty days), it falls on the fifth. If both months are missing (twenty-nine days), then it falls on the seventh. If one is full and one is missing, then it falls on the sixth. (Therefore, if Shvuos the first year fell on the fifth and you made it Hekdish on the sixth, if the next year it falls on the seventh, then the year ends on the sixth, but you didn't pass three festivals.)

Who is the opinion who argues with R' Shmaya? It's Acheirim who says (that all the years are exactly the same). There is no difference between Shvuos or Rosh Hashana of one year and the same time for the next year but four days. (I.e., since there are always three hundred and fifty-four days in a year, and three hundred and fifty can be divided by seven, therefore, the next day would fall on the same day of the week as the first day of the year. Since you have four days left in the year, then, the next day, which is the first day of the next year, falls four days later in the week than the first day of the year before.) However, if it's a leap year (which adds an extra twenty-nine days, and since twenty-eight can be divided by seven, then this doesn't push it down the week but another day) there is five days between them.

New Sugya

R' Zeira inquired: does an heir transgresses Baal T'achar (if he doesn't bring the parent's Korban on time)?

Tosfos explains: since an heir has to bring the inherited Korban. As the Mishna in Kinim,

and brought in many places in Shas, if a woman brought the Chatos (bird for her birth) and dies, her heirs brings her Olah (bird). It implies in Mesechta Kiddushin, according to the opinion that the Torah warrants liens on someone's property, then, this applies even if she didn't separate the Korban in her lifetime. According to the one who holds the Torah doesn't warrant liens, the heir only needs to bring it if she separated it in her lifetime. We also see similarly at the end of Perek "Yesh B'chor" that heirs are obligated to bring the Olas Riya of their father.

Do we say, since the Torah says "when you vow," it wouldn't include an heir because he wasn't the one who vowed? Or do we say, since the Torah says "when you come there you shall bring it," and he's obligated to go up to Yerushalayim for the festivals.

The Gemara brings a proof from the following: R' Chiya taught "from your nation" excludes heirs (from this prohibition). The Gemara asks: (how can he make this Drasha?) After all, we need "from your nation" to include Leket, Shichicha and Pe'ah. The Gemara answers: (we can make two Drashos from here), since it's read "your nation" (to teach us Leket, Shichicha and Pe'ah) but it also adds "from your nation" (which connotes but not all the people, to exclude heirs).

R' Zeira inquires: does a woman transgress Baal T'achar? Do we say not, since she's not obligated to come to the Mikdash on the festivals? Or do we say she transgresses since she needs to come up for a different reason, since she's obligated in Simcha (so she needs to eat the meat from Korbonos). Abaya answered: why don't you just solve it (she transgresses) since she's obligated in Simcha?

Tosfos explains: we consider it as the Torah describes "when you come there you'll bring (your obligations)"

The Gemara asks on Abaya: could Abaya really have said this? After all, he holds that (the woman is not obligated in Simcha) rather, her husband is obligated to make her happy.

Tosfos quotes Rashi who explained: in Bavel, he buys her colorful clothing and in Eretz Yisrael, he buys her pressed linen clothing, as it's brought in Kiddushin. (So, this doesn't require her to come to Yerushalayim.)

R' Tam asks: the Gemara says that the only way to keep Simcha is with meat, as it says in Pesachim. Also, we see from the Gemara in Chagigah that we consider a minor (who's exempt from going up to the Mikdash on the festivals) is one who can't hold his father's hand and ascend from Yerushalayim to the Har Habayis. The Gemara asks: until this point (i.e., from his house to Yerushalayim) who brought him (to say that the father's ability to bring him starts at Yerushalayim)? The Gemara answers: the mother needed to bring him, since she needs to go to Yerushalayim because of Simcha, because she needs to eat the meat of the Shalmei Simcha.

Rather, R' Tam explains: since it's upon the husband to give her Simcha, and not upon her, so it's not considered as if she has an obligation "to go there (to Yerushalayim)." This, which we said in Chagigah, that the mother has an obligation to come to Yerushalayim, it's only for her husband's obligation, and not because of her own.

However, Tosfos concludes: we find in Pesachim that, even when the Beis Hamikdash was standing, when it's impossible other ways, you can be Yoitza Simcha with linen clothing and with old wine. For example, when the first day of Yom Tov falls out on Shabbos, (where you can't bring Korbonos today, and you're not Yoitza eating yesterday's Korbonos) since you need it to be

Shechted at the time of Simcha (i.e., on Yom Tov).

The Gemara answers: Abaya was only saying his statement according to R' Zeira (who inquired it and held that Simcha is the woman's obligation).

New Sugya