

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 14
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Daf 14a

We need all three statements from Shmuel. After all, if he only said the Halacha is like R' Shimon Shezuri, I might have thought it's because he holds it mixes evenly, so he said that it doesn't mix evenly. If he only said that it doesn't mix, I might think he holds like the Rabanan (and you can't make a pile and separate the Maasar), so he said that the Halacha is like R' Shimon Shezuri.

Tosfos asks: Shmuel really holds more like the Rabanan than like R' Shimon Shezuri. After all, the Rabanan who argue with him in Mesechtas Shvi'os say that Egyptian beans follow when they're picked. So, it would be more apropos that Shmuel should Paskin like the Rabanan. (After all, R' Shimon follows when they take root, and he just holds that, even if they take root on different sides of Rosh Hashana, because it mixes evenly, you can take off Maasar from all the produce together. However, Shmuel holds that we follow when they finish growing which is after Rosh Hashana and they're from the same year [since the year started around when they took root], and of course to those Rabanan who follow when they're picked which is later, they're all picked after Rosh Hashana.)

Even if you want to say he Paskins like the Rabanan (since that may infer the Rabanan from the Braisa) and they may hold that Egyptian beans follow when they took root and they don't hold that you may pile them up and take Maasar from the pile. However, he still could have said explicitly that the Halacha is like the Rabanan in the Mishna. This would be better than to say that the Halacha is like R' Shimon Shezuri.

Tosfos answers: Shmuel wants to Paskin completely like R' Shimon Shezuri in all cases, even with rice, millet, Pigrin and sesame. However, he doesn't Paskin like him for the reason R' Shimon gives because it mixes evenly when you make a pile, but because we follow when they finish growing.

Tosfos is bothered: the Gemara in Menachos only brings this Halacha like R' Shimon regarding Egyptian beans, and supposedly, because that's why Shmuel said his Halacha is like R' Shimon for this case.

Tosfos answers: even though the statement was not brought on rice millet and Pigrin, still, the practical difference (it was said on R' Shimon) to say that the Halacha apply to these types of produce too.

If he only said these two statements, I would have thought this to be a contradiction to Shmuel, therefore he said that we follow when it finishes to grow (to reconcile the question). If he only said that we follow when it finishes to grow, I would have said that it applies even to grain and olives, so he says the Halacha is like R' Shimon Shezuri, that it only applies to the produce R' Shimon Shezuri argued about.

The Gemara asks: let it just say these two statements (we follow when it finishes growing and the Halacha is like R' Shimon Shezuri), why must he say that it doesn't mix evenly. (After all, it's self-evident if you need to give another reason for R' Shimon's Halacha.)

The Gemara answers: it teaches us that (liquids like) wine and oil do mix well.

New Sugya

We learned (why vegetables follow when they're picked): R' Yossi Haglili says: the Pasuk says "you gather from your pile of grain and from your wine pits." So, (we compare all produce to grain and wine to determine what to follow regarding Maasar). What do we see by grains and grapes, they grow from last year's rains and you take Maasar off them as if they grew in the old year (since they follow when they grow a third). So too all produce that grow on last year's rain (like tree fruits that grow from the sap made from last year's rain) you take Maasar off them as if they grew in the old year (since we follow when they formed). This excludes vegetables that grow on the new year's rain, so you take Maasar off them as if they grew in this year (since we follow the time they're picked).

R' Akiva says: the Pasuk says "you gather from your pile of grain and from your wine pits." What do we see by grains and grapes, that they grow on most water (i.e., rain water only), and you take off Maasar as if they grew in the old year. So too all produce that grow on most water (like tree fruits) you take off Maasar as if they grew in the old year. This excludes vegetables that grow on all water (even on irrigation) you take Maasar off them as if they grew in this year.

Tosfos explains: this is only an Asmachta (not a true Drasha), since Maasar on vegetables are only a rabbinic enactment. The main Drasha for the Pasuk is to teach us that you make a Sukka out of the leftovers of the pile of grains and the wine pit (i.e., the hay and stems) as we explained earlier.

Alternatively, (it's a true Drasha) and is needed to teach this (that we follow the picking of vegetables) by Shmita, which is obligated from the Torah.

The Gemara asks: what's the difference between them?

R' Avahu says small onions [**Tosfos says that the Yerushalmi in the second Perek of Shviuos says that they're Kufrai onions that don't produce seeds**] and Egyptian beans (that were planted for its leaves). As we learned: small onions and Egyptian beans that you refrain from irrigating thirty days before Rosh Hashana, you take off Maasar like the year before and are permitted on Shmita. If not, it's forbidden for Shmita and you take Maasar like the next year.

Tosfos points out: (this is only if he planted it for its leaves, but) if he truly planted it for the seeds, we learned in Shviuos that, by similar plants, we follow when they took root, even if you don't refrain from irrigating it with water.

Tosfos quotes Rashi who explains that this Mishna is like R' Yossi Haglili. (After all, when you refrain from irrigating it, it was grown completely from last year's waters.)

However, Tosfos says that it seems to be the opposite, that it's like R' Akiva and not like R' Yossi Haglili. After all, the Yerushalmi says on this: R' Mana says; once you refrain from watering it thirty days before Rosh Hashana, it becomes like it's growing in a field that completely relies on the rain, which takes off Maasar like the year before.

New Sugya

What's the reason for the first of Shvat being Rosh Hashana for the trees?

Tosfos explains that this Drasha explains Beis Hillel as much as it explains Beis Shammai. (The Gemara only brings this regarding the first of Shvat) since it took (as an example) the first opinion. According to Beis Shammai, the first of Shvat is the time that it will start forming the fruit from this year's rain, and to Beis Hillel, it's the fifteenth of Shvat. Anything that formed from before that time grew on the rain of (the previous year) before Tishrei. The reason trees don't follow Tishrei like it's the time by grain, that it needs to grow a third by then. That's because we Darshined earlier that it has to be still forbidden during the fourth year (which we Darshen that it needs to reach Shvat to be permitted).

R' Oshiya says since most of the rainy season passed for the year (so the trees already filled themselves with sap) and most of the season didn't come yet. The Gemara is perplexed by the last line and asks: what's he saying? The Gemara answers: although most of the (winter) season hadn't passed, still, most of the rain of the year passed.

New Sugya

There was a story with R' Akiva who plucked an Esrog on the first of Shvat and he took off two Maasars. One was like Beis Shammai's opinion and one was like Beis Hillel's opinion.

Tosfos explains: if he actually separated two Maasars, it wouldn't have fixed the Maasar. (After all, you can only have a tenth Maasar, and not a fifth.) Rather, it's explained in the Yerushalmi that he separated one Maasar for Maasar Sheini, he redeemed it, and then split it among the poor.

Daf 14b

R' Yossi b. Yehuda says: he didn't do it to satisfy Beis Shammai's and Beis Hillel's opinions, but to satisfy R' Gamliel's and R' Eliezer's opinions. As we learned: R Gamliel holds; in three ways the Esrog tree is similar to all other trees, and in one way it's similar to vegetables. It's similar to trees regarding Arlah, Revai and Shmita. (In these cases, we consider the fruit to have the status of the year it takes form.) **[Tosfos points out: that this Mishna holds that Revai applies to all trees (and not only to vines) as we see (the argument) in the beginning of Keitzad Mevarichin.]** It's similar to vegetables in one way, that you take Maasar according to the year it was picked. R' Eliezer says an Esrog is similar to trees in all aspects.

Tosfos explains: (it doesn't mean that it's similar to trees regarding that the laws of Shmita are applicable to it) since the laws of Shmita apply also to vegetables. Rather, as it's explained in the Yerushalmi, that it refers to an Esrog that started growing on the sixth year and then finishes growing on the seventh. It belongs to the owners (and we don't consider it fruit of the seventh year which is Hefker) since it's like a tree that follows when it's formed. However, they're exempt from Maasar, since (regarding that aspect) we follow when it's picked (which is on the seventh year which doesn't have any Maasar).

Tosfos is bothered by the question: we don't learn that the Esrog is similar to a tree regarding Klayim, that it's not Klayim when planted next to a vineyard, which is not the same case by vegetables (since they're Klayim). Also, say that it's similar to a tree that it's Rosh Hashana is Shvat, like we'll see in our Sugya.

Tosfos answers: we only list when we follow the forming or the picking, not regarding other areas.

Tosfos asks: why don't we say that an Esrog follows the picking in all aspects since it grows on all waters (even irrigation), as we explained earlier, that we need that Drasha (that all that grow on all waters follow when they're picked) for Shmita which is obligated from the Torah (on vegetables, since you can't say it's needed for Maasar, since that's only rabbinic to all produce that need irrigation).

Tosfos answers: because we Darshined earlier, that it's sometimes prohibited because of Arlah on the fourth year. (It's not clear why this is an answer, since it only says that it extends the prohibition to the fourth year. Perhaps, since we need a reason to say it extends, and that's because it's formation before the fifteenth of Shvat is from the rain of the earlier year. However, if we follow when it's picked, there is no good reason why we would extend the year until sometime in the next year.)

Tosfos asks: from here it implies that vegetables follow when they're picked regarding Shmita. However, in Mesechtas Shvi'os it says that all the self-grown seeds are permitted except the cabbage. The Rash explains according to the Yerushalmi: this refers to growths that start during the sixth year and extend into the seventh year. He was bothered that the Gemara in Pesachim says the opposite (that only the cabbage is permitted). So, he used that explanation to answer this contradiction (that the Gemara in Pesachim refers to when they start growing on the seventh year and they were picked on the eighth year, which is the opposite case of the Yerushalmi. Anyhow, we see that vegetables follow when they start growing by Shmita.)

Tosfos answers: this, that we say that we follow vegetables by their picking, that's only if they didn't finish growing on the sixth, but if it finished growing on the sixth, it's permitted both to R' Akiva and R' Yossi Haglili. As we seen earlier by the small onions in which you didn't irrigate for thirty days before Rosh Hashana (it goes according to the earlier year). Even according to the one who argues about that there, agrees here. After all, to R' Yossi Haglili, once it finished growing (before the new year) it grew completely on the last year's rain and will not grow on the next year's rain. According to R' Akiva, (since it stopped growing before Rosh Hashana), it's no longer growing on irrigated water, so it's not considered produce that grows on all water that follows when it's picked like vegetables. This is like we brought the Yerushalmi that explained the onions (that you stopped irrigating thirty days before) that it becomes like a field that relies on rain water only, which you take Maasar like the earlier year.

Tosfos continues: this is like we said before regarding rice and millet that Shmuel held that it has the status of vegetables (which usually follows when it's picked) and he says that we follow when it finishes growing. So, this proves the main time for all of them is after they finish growing. They only expressed this as "following when they're picked" since it's usual to pick them right after they finished growing. However, these (rice and millet) finish growing together, but they don't dry out together, as we said before, that they dry a little at a time. (In that case, where they're picked sometime after they finished growing, we follow the real time, which is when they finished growing.)

However, Tosfos asks: regarding an Esrog, as we'll say soon, we said the case is when it formed before the fifteenth of the past Shvat (and was picked in the first of this Shvat), and because he was in doubt whether we should follow the time it formed like R' Eliezer, or follow the time it was picked like R' Gamliel, he took off two Maasars. This seems that we should follow when it was

picked even if the fruit finished growing. After all, (it must have finished growing long before it was picked since it formed in the first Shvat and wasn't picked until the next Shvat. [*Maharsha in Sukka 39b is bothered with the question: since, in this case, even if we follow when it's finished growing and not when it's picked, he would still need to take off two Maasars. He answers: Tosfos is bothered why use the term 'picking' if we really mean 'finishing growing?'* After all, it's only applicable to interchange them if the picking comes right after finishing the growth and not if it comes a long time afterwards.]

Tosfos answers: perhaps Esrogim are different than other fruit since they can stay on the tree for two or three years. All the time when they're on the tree, they grow more each year.

Alternatively, (even if you say they stop growing after some time) still, perhaps even if they formed in one Shvat, it doesn't finish growing until the next Shvat.

Now, this fits well according to R' Yochanan's statement later by an Esrog that, even if it started as a Kazayis and then it grows as big as the measurement 'Kaikar' etc. (We follow when its picked since it keeps on growing) from the watering of the next year. However, it's not exact to say we start when it's a Kazayis, since R' Yochanan says that we follow from the time it was formed. Alternatively, we might not consider an Esrog to be formed until it's the size of a Kazayis.

The Gemara asks: do we allow following (contradictory opinions) when they're a stringency? After all, we learned: really, the Halacha is like Beis Hillel. However, if you want, you may do like Beis Shammai. If you want, you can do like Beis Hillel. If you take the leniencies of both opinions, you're a Rasha (since you're sinning according to both opinions.) If you take the stringencies of both opinions, on him the Torah says "a fool walks in darkness." So, either you do like Beis Shammai, whether he's stringent or lenient, or like Beis Hillel, whether he's stringent or lenient.

Tosfos explains: (we consider him a fool when he's stringent) even if you know who the Halacha is like and you just want to be stringent on yourself. We don't want to answer that R' Akiva was in doubt who to Paskin like, because he was probably aware that the Halacha is like Beis Hillel.

The Gemara answers: R' Akiva (wanted to act like Beis Hillel, but) was in doubt what he was taught, if Beis Hillel said the Rosh Hashana is the first or the fifteenth of Shvat.

The Gemara now analyzes R' Yossi b. Yehuda's opinion, he didn't do it to satisfy Beis Shammai's and Beis Hillel's opinions, but to satisfy R' Gamliel's and R' Eliezer's opinions. (Since this happened on the first of Shvat, and the question was; do we follow when it formed which was before the first of Shvat, or follow when it was picked, which was the first of Shvat) does he hold like Beis Shammai (that the first of Shvat is the cut-off date)?

The Gemara answers: our case is when it formed before the fifteenth of the earlier Shvat. If so, this Halacha would be true if it was picked much earlier. The reason why it says that it was picked on the first of Shvat was; because that's the way the story happened.

Raveina answers: wrap (more words) and learn: it wasn't the first of Shvat, but the fifteenth of Shvat. Also, he didn't do it to satisfy Beis Shammai's and Beis Hillel's opinions, but to satisfy R' Gamliel's and R' Eliezer's opinions.

Rabbah b. R' Huna says: once R' Gamliel says that Esrog follows the time it was picked for Maasar,

just like vegetables, it's Rosh Hashana is Tishrei (like vegetables).

The Gemara asks: R' Shimon b. Elazar says; if one picks Esrogim on the eve before the fifteenth of Shvat, and then the sun sets, and then you collected more after the sunset, you can't take Trumah and Maasar from one batch on the other, since you can't take off for the old year with the fruit of the new year, and vice versa. If it's the third year entering the fourth year, those picked on the third year (before sunset) you separate Maasar Rishon and Maasar Ani. Those picked on the fourth year, you separate Maasar Rishon and Maasar Sheini

Daf 15a

So, whose opinion is it that we follow the time it was picked? It's R' Gamliel's opinion, and yet it says that the Rosh Hashana is Shvat.