

**Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 13**  
**By Rabbi Chaim Smulowitz**  
**limudtorah.onlinewebshop.net**  
**Subscribe free or Contact: tosfosproject@gmail.com**

**Daf 13a**

R' Zeira asked R' Assi: perhaps we refer to grains that didn't grow at all, and yet the Pasuk says that you just can't work the field until Sukkos time. R' Assi answers: this can't be, since the Pasuk says "in the holiday of the 'Asef,' as the year goes out." What is this 'Asef?' Is it telling us that it's the holiday that happens during the gathering (of the grains), (but that's not necessary to say) since it already said "as you gather the grain." Rather, we need to explain it as harvesting. **Tosfos points out: still, the simple meaning of the Pasuk is a holiday that comes at the time of gathering.** The Chachumim understood that any grain ready to be harvested on Sukkos grew at least a third by Rosh Hashana, and it's called "as the year goes out," (that we consider it from the past year (Shmita) and we follow the year it grew a third).

**Tosfos points out: however, with just that Pasuk, it wouldn't be enough to know (that we consider what's harvested then as from Shmita) if not for the Pasuk "the set time, the year of Shmita on the Chag of Sukkos (on the eighth year)."**

R' Yirmiyah asked R' Zeira: do the rabbis know the difference between a third grown and (a small amount) grown less than a third (to say that they know the grain grown by Rosh Hashana grew exactly a third)?

R' Zeira admonished R' Yirmiyah: I told you already not to go outside the Halacha (i.e., to question the Shiurim). After all, we see that all the Shiurim of the Rabanan are that way. Someone can Toivel in a Mikvah of forty Saah. However, he can't Toivel if it was forty Saah less a small amount called a 'Kurtuv.'

**Tosfos explains: in Bava Basra it says that it's a sixty-fourth (of a Lug). It used the smallest measurement as an example, but it's not exact. After all, even if a smaller measure is missing, even just one drop, you can't Toivel in the Mikvah.**

An egg's worth of food can become Tumah for being food. However, if it's an egg's worth less a sesame seed worth's, it can't become Tamai for being food. Material three T'fachim squared can become Tamai Medris (when a Zav etc. sits on it, since that amount is fit for someone to sit on it), but if it's three T'fachim squared less a thread, it can't become Tamai Medris.

Then, R' Yirmiyah says; (my question) is nothing, (since they must be able to tell the difference between a third or less). After all, Chavrei asked R' Kahana: from where did the Jews get the grains to bring the Korban Omar when they entered Eretz Yisrael? If we say they got it from a non-Jew's produce, that can't be. After all, the Pasuk says "your harvest" and not the harvest of non-Jews.

**Tosfos is bothered by the question: how can we call this the non-Jew's grain if the Gemara in Avodah Zara considers the land to be the Jews from their forefathers (the Avos)? As the Gemara asks there: why does the Torah say that you must burn the worshipped trees? After all, they were an inheritance of the Jews from their forefathers (so they belong to the Jews, so, though the non-Jews worshipped the trees, we have a rule) that someone can't make an item forbidden that doesn't belong to him.**

**Tosfos answers: still, the non-Jews own the grain they planted.**

**Tosfos concludes: the Gemara there answered properly that you need to burn it because they may be trees from the early generations (before Avraham, when the non-Jews owned the land).**

R' Kahana asked: how did they know that they did bring it (to ask the question)? Maybe it wasn't brought (since they didn't have the proper grain to bring).

They answered: since the Pasuk says "they ate from the produce of the land the day after Pesach." This implies that they ate only then (on the sixteenth), but not beforehand.

**Tosfos quotes R' Avraham Ibn Ezra who asks: isn't "the next day of the Pesach" the fifteenth of Nissan which is the next day after the Shechting of the Korban Pesach that was Shected on the fourteenth? After all, we see the Pasuk uses that phrase in Parshas Massai "on the next day of Pesach, the Jews left (Egypt) with a mighty hand," which refers to the fifteenth of Nissan.**

R' Tam answered him: the Pasuk in Yehoshua should be read as follows: "they ate when they crossed unto land on the next day of Pesach" (i.e., from the old grain) "Matzos." (However, the second part of the Pasuk is read), "and roasted kernels" (i.e., that is from the new grain) "they ate 'during that actual day,' " which is the sixteenth, that they first brought the Omer and then they ate. After all, we find the phrase "during that actual day" to refer to the sixteenth of Nisan, as the Pasuk says "you shouldn't eat bread, roasted kernels and fresh plump grains until "during that actual day" (when you bring the Omer).

**Tosfos asks: why must the Pasuk state that they ate from the old grains on the fifteenth. Of course they ate Matzos on the first night of Pesach (like the Pasuk commands us to).**

**Tosfos answers: it wasn't referring to the eating of their obligation since it's such a little amount since it's enough if you eat only a Kazayis. So, the Pasuk is saying that they ate primarily from the old grain that whole day. The thrust of the Pasuk is to show how great the Mun was, since the Pasuk explained (why they started eating grain products) "since the Jews didn't have any more Mun." As we said in a Medrish that it's a parable to a child who ate barley bread because he doesn't have any wheat bread. Therefore, before this time they could have eaten from the old grain when they came across the Jordan on the tenth of Nissan, however, they rather have the Mun as long as it didn't run out. However, the Tosefta in Sota and the Gemara in Kiddushin says that they access the Mun in their utensils until the sixteenth of Nissan. As the Pasuk says "the Mun ended on the next day when they ate from the land of the other side." This teaches us that the Mun ran out when they ate from the new grain.**

**Therefore, Tosfos explains: the sixteenth is also called "the next day of the Pesach" since it's the next day after you eat the Pesach, since you eat it the night of the fifteenth.**

However, the Yerushalmi in the second Perek of Challah brings an Aramaic argument regarding which day this Pasuk refers to. This is what it says: R' Yona asked R' Yirmiyah; when the Jews wen into Eretz Yisrael and they found fresh grain, were they forbidden because of being new grain? (After all, perhaps it shouldn't be since it started growing before the Jews entered Eretz Yisrael when the prohibition of Chodosh hadn't started.) He answered: why not? This doesn't only apply to fresh, but even those that were already dried out (before harvesting, but it was completely grown before they entered). He asked back: if so that the dried ones are prohibited, the same should

apply to the harvested ones. If that is true, then even the stored grains in the attic is also prohibited. Are we to say that the Jews didn't eat Matzos the first night of Pesach?

R' Yona said when he left (reflecting on this incident): I have regret that I didn't answer they ate Matzos on Pesach (despite the wheat being prohibited) because an Asei (of eating Matzos) supersedes the Lav (of not eating Chodosh). The Gemara says: this fits well to R' Yona's opinion who says an Asei supersedes a Lav even if they're not written together. However, it doesn't fit well to R' Yossi who says that an Asei doesn't supersede a Lav unless they're written together (like Shatnez and Tzitzis).

The Yerushalmi answers: either (they ate Matzos) from what the non-Jewish merchants sold them (wheat that grew outside Eretz Yisrael). Alternatively, like R' Yishmael who says that, anytime the Torah says a Mitzvah that depends on "coming into" Eretz Yisrael, it only applies after fourteen years after they came in, after the seven years of conquering and seven years of dividing.

R' Bon b. Kahana asked: doesn't it say "they ate on the other side of the land on the next day of the Pesach." Doesn't this mean on the fifteenth? R' Elazar b. Yossi asked before R' Dosa: it says "on the next day of the Pesach the Jews left Egypt" didn't they leave by the fifteenth?

We must say because they waited to bring the Omer and then they ate from the grains. So, we're back to the question: from where did they bring it?

Tosfos says: this implies that if they didn't bring the Omer they would be prohibited from eating it the whole (sixteenth) day. This is not like the opinion in Menachos that holds, even when the Beis Hamikdash stood, the dawn (of the sixteenth) permits to eat the new grains. [*Poras Yosef (in the back) says, although there is an Asei not to eat it until the Omer is brought, that's only if they have what to bring for an Omer. However, if there is no grain to bring the Omer from, there wouldn't be an obligation to wait at all.*]

He answered: they brought it from grain that didn't grow a third in the hands of the non-Jew (before a Jew took it over). However, (how did they know this didn't grow a third?) After all, maybe it did grow a third and they weren't aware. So, we need to say they knew to differentiate, so too, we can say here too that they knew (that it grew a third by Rosh Hashana).

They asked: perhaps the grain didn't grow at all (when it came into the Jew's possession). However, if it grew around a forth (which is close to a third), perhaps they wouldn't be able to tell when it grows a third, or it grew a little less than a third.

He answered: don't think like that. After all, the Pasuk says that "the nation went up from the Jordan (to Eretz Yisrael) on the tenth of the month." If it didn't start growing at all, how did it grow completely in five days? They asked: what's the alternative? That it already grew a forth or a sixth? You can still ask how did it grow completely in five days? What you'll need to answer is because the Pasuk calls Eretz Yisrael "a land like a deer," (i.e., that's fast, so the produce grows very fast). So too, we can say (even if it didn't start growing, it grew completely in five days) since the Pasuk calls it "a land like a deer"

**Tosfos explains: that the grains can become full in five days.**

Tosfos is bothered by the question; we already said that grain that's ready to harvest on Sukkos, you know must have grown a third before Rosh Hashana, (so it takes fifteen days to grow

two thirds of the grain).

**Tosfos answers: it doesn't only take five days to be completely ready to harvest. However, (it doesn't need to be completely ready for harvest) by the Omer, but the Pasuk calls it 'Karmel' which we Darshen to mean it's soft and fills up the chaff (but not completely ripe).**

**Alternatively, even when it's finish the regular ripening, they usually leave them in the field to ripen very well, as the Gemara in Bava Metzia implies.**

R' Chanina asks: how can you say that 'Asef' means harvesting (since it's extra)? After all, the Pasuk says "from the gathering (Asef) from your grain pile and wine pits" and we learn from there that (you make S'chach) from the rejects of your grain pile and wine pits (the stalks and stems. Therefore, Sukkos is called 'Asef' (because Sukkos are made from them) and it's like saying the Yom Tov of Sukkos.") R' Zeira said: we had this answer in our hands until R' Chanina came along and threw an ax into it (i.e., broke the answer).

### **Daf 13b**

So, how do we know this? Like R' Yonason b. Yosef taught; it says "it should make grains for three years (on the sixth year, so it should last until you reap again on the ninth year)." We'll make a Drasha by not reading as it written "for three" but rather "for a third." Therefore, we follow the year it grows a third.

**Tosfos explains: its considered as made when it's a third ripe.**

**Tosfos asks: (since we learned a third grown from this Pasuk), we're left with the question that we asked earlier: perhaps the Pasuk (that Shmita should last until Sukkos on the eighth year) refers to when it didn't grow at all, but the Torah is just saying to keep Shmita until Sukkos? (However, it seems that nobody holds that Shmita extends to Sukkos).**

**Tosfos answers: this Tanna doesn't hold of that Drasha at all (to explain the Pasuk in any aspect that Shmita extends to Sukkos).**

The Gemara asks: (how can you use this for a Drasha) since you need it for the simple meaning of the Pasuk? The Gemara answers: we have another Pasuk that teaches us that. After all, it says "you'll plant the eighth year and eat from the old grain until the ninth year."

### **New Sugya**

We learned: the rice and millet and 'Pragin' (a type of millet) and sesame that took root before Rosh Hashana, you take Maasar off with the last year's produce, (and if this happened in the sixth year going into the seventh) it's permitted without it having the status of Shmita. If not, then it's forbidden on Shmita and (by other years) you need to take off Maasar as the coming year.

Rabbah asks: the rabbis say that fruit from trees follows the year they're formed. Grain and olives follow the year they grew a third and vegetables follow the year they are picked. However, the above produce (rice etc. that follows when they take root), what did the rabbis based it on? Then Rabbah thought of an answer of his own question: since they're ready to be picked a little at a time (and you won't have the whole crop in one year), the rabbis said to follow when they took root.

**Tosfos explains: since you make small piles of them, since they're not picked together,**

rather, some become ready today and are picked and tomorrow others are ready to pick etc. Therefore, we find the old and new produce mixed together if we would follow when it's picked like other vegetables. That's why we follow when it takes root, since the whole field takes root in the same year, since you plant them all in the same year.

Rashi is bothered by the question: how do the rabbis have the power to appoint a convenient stage of growth to follow?

Rashi answers: since Maasar of tree fruits, beans and vegetables are rabbinic, the rabbis can establish a special time for each according what they feel works best.

Tosfos asks: this fits well only to Maasar that's rabbinic, but Shmita on these items are from the Torah. Therefore, they should follow their harvest like all other vegetables, so, how can you follow the time it takes root to permit on Shmita what took root on the sixth?

Tosfos answers: perhaps we only refer to nowadays Shmita according to Rebbi (who holds it's only rabbinic) as we explain in Gitten how Pruzbal works.

Alternatively, (it's a Drasha to follow when it takes root.) As we learned in Toras Kohanim: how do we know that rice, millet, 'Pagrin,' and sesame that takes root before Rosh Hashana can be picked on Shmita? As the Pasuk says "you should gather your grain on Shmita." I might say it's true even if it doesn't take root beforehand, so the Pasuk says "you plant and you gather." (We compare the planting to gathering) just like you plant six years you gather six years. You don't plant six and gather for seven.

Abaya asks: let them make a pile of all the produce (and take out the Maasar, and we'll say that you'll take off proportionally from the produce of both years) and we'll say that you took off enough of the new produce to exempt the rest of the new produce and enough of the old produce to exempt the rest of the old produce. After all, didn't we learn: R' Yossi b. Kipur quotes R' Shimon Shezuri; the Egyptian bean that was grown for its seeds (and not for its leaves), [**Tosfos explains this to be the end of the above Mishna with rice and millet. He adds onto the list of the Rabanan (of items that follows when they take root) and say that Egyptian beans also follows when it takes root**], if part of the crop took root before Rosh Hashana and part took root after Rosh Hashana, you can't take off Trumah and Maasar from one on the other, since you can't take off from the new produce on the old produce or vice versa. What do you do? You need to make a pile of all the produce and we'll say that you took off enough of the new produce to exempt the rest of the new produce and enough of the old produce to exempt the rest of the old produce.

Rabbah answers: you're bringing me a proof from R' Shimon Shezuri? He holds that the produce gets mixed evenly, but the Rabanan argue and say that produce don't get mixed evenly.

Tosfos explains the Gemara's question: since it's possible to correct the situation (even when following when it's picked), why must you enact that it follows when it takes root? On that, the Gemara concludes: because the Rabanan hold it doesn't mix evenly.

Tosfos asks: still, why does that answer (completely answers everything)? After all, we can still ask according to R' Shimon Hashazuri who holds it mixes evenly; and yet he holds that we follow when it takes root. As we see at the end of that Mishna that he holds this when some take root before Rosh Hashana and some take root after Rosh Hashana. We also see a Mishna in Shvi'os that says; R' Shimon Hashuzuri says that Egyptian beans that are planted for their seeds are similar

to them, i.e., that they follow when they took root just like rice and millet (mentioned earlier).

Another question: what would it help to make a pile of produce (and remove Trumah and Maasar). Although it helps regarding new produce and old produce, (since you're taking off the same Maasar, the only problem is to take off from the new produce for the new produce etc., so, since it's mixed evenly, you're taking off the right proportion for each), however, it doesn't help by produce that's growing from the second year (of the Shmita cycle) to the third year. After all, you take off Maasar Sheini the second year and Maasar Ani the third year. (So, you don't know which was taken off as Maasar Sheini and which was taken off for Maasar Ani). The same problem is when the fifth year goes into the sixth year.

Tosfos concludes that you can correct this problem: You can separate it completely for Maasar Sheini, you can redeem it on money, and take the money up to Yerushalayim to buy food to eat there, and then give this produce out to the poor. (Thus, you did what's necessary to cover both obligations.) It's somewhat implied in the Yerushalmi that they took off Maasar twice while making a pile (one for all the Maasar Sheini and one for all the Maasar Ani).

R' Yitzchok b. Nachmeini quotes Shmuel: the Halacha is like R' Yossi b. Kipur who quotes R' Shimon Shezuri.

Tosfos points out: in most text in Menachos: "R' Shmuel b. Nachmeini quotes R' Yonason." However, this is impossible. After all, the Gemara here asks this as a contradiction to Shmuel. Another proof against it: if so, it would be a contradiction to R' Yonason according to the text that quote R' Yonason; the Halacha is like R' Shimon Hashazuri by the cases of a deathly ill person and Trumas Maasar of Damai. It implies that he only Paskins like R' Shimon in these cases, and not any others, as it implies in Chulin. Even though, there are some text that says that quote was from R' Yochanan. However, this is not possible as it implies in Mesechta Kesuvos.

R' Zeira asks: how can Shmuel say that? After all, he says that we don't say items mix evenly but by liquids, like wine and oil.

Tosfos explains that it's regarding Maasar. However, it applies the same by water regarding sprinkling (that the Rabanan hold there if a drop of water falls into the Para Aduma water, you can't sprinkle anymore since you'll always have water mixed in and you won't have a full sprinkle from the Para Aduma waters.)

R' Yitzchok answers: you forgot Shmuel's other statement that they follow the year the produce finished growing. (Therefore, you can make a pile from them and take off Maasar like R' Shimon holds, but for a different reason. Not because they mix evenly, but because they are all from the same year, since they finish growing together.)

Tosfos explains: this is not the same as following when it's picked. After all, sometimes it's finished before Rosh Hashana and picked after Rosh Hashana. The truth is, all vegetables follow when they finish growing. The only reason they always say that they follow the picking since the picking happens right after the vegetable finishes to grow. However, these produce (that's mentioned here are different) and don't get picked right after they finish growing. Rather, they wait until they dry out. Therefore, they're not picked together since they dry a little at a time. However, they finish growing together. Therefore, Shmuel holds you can take Maasar from the whole pile even though he doesn't hold they're mixed evenly.

However, this is difficult. After all, which Tanna does Shmuel hold like? After all, both the Rabanan and R' Shimon Shezuri agree that we follow when it took root. In this case, it would be before Rosh Hashana and the produce are from the old year. However, Shmuel who follows when it finishes growing, which would be in our case after Rosh Hashana, and would be from the new year.