

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 9
By Rabbi Chaim Smulowitz
limudtorah.onlinewebshop.net
Subscribe free or Contact: tosfosproject@gmail.com

Daf 9a

The Gemara asks: what would the Rabanan learn from that Pasuk?

Tosfos (on the bottom on Daf 8b) explains: since the Rabanan hold that the year is not Kodesh from its beginning, he needs this Pasuk for the following Drasha, since it's not needed (to teach us about the end of Yovel) that we don't add from the next year to be a part of Yovel in order to add from the ordinary onto the holy. After all, if we subtract from the holy year, should we think that you should add on?

Tosfos asks: of course we should need the Pasuk to exclude adding onto the next year. After all, the Pasuk calls it a year, and you wouldn't have a full year unless you extend it into the next year until Yom Kippur.

Tosfos answers: since there is no outside logic to add on without any extra Pasuk, then, it would be excluded from the simple reading of "you should make holy (the fiftieth year)" that implies only that fiftieth year and not more.

The Gemara answers: he learns you only count it as the fiftieth year and not as the fiftieth year and the first year (of the next cycle).

Tosfos says: we shouldn't have the text with a 'Vuv' (which implies that you don't count the fifty first year). It only teaches us that you don't count the fiftieth year as the first year of the next Shmita cycle.

This is to argue on R' Yehuda's opinion who holds that this fiftieth year is part of both counts (the end of the last cycle and the first of the next cycle). So, this Pasuk teaches us otherwise.

Ri says: even so, we Paskin like R' Yehuda who says that the fiftieth year is counted for both cycles. After all, the Gemara in Avodah Zara, in the Sugya about Tanna D'bei Eliyahu, if someone doesn't know which year of the Shmita it is, count the years from the Beis Hamikdash's destruction (that was the first after Shmita) and (consider every fifty years as a cycle, and thus every hundred years as the end of the other cycle. Therefore, ignore the hundred years and just make a calculation from the single years) and you also need to add two years to the calculation of the single years for every hundred years that passed. (So, the fiftieth year is also the first of the next cycle, or else the cycle would be a full fifty years and you don't need to add anything to your calculation.) So, we see the whole Sugya there follows R' Yehuda.

Another proof: our unnamed Mishna is according to R' Yishmael (the son of R' Yochanan b. Broka) who argues on these Rabanan who argue on R' Yehuda. Also, R' Yishmael is the one who holds that we sanctify the month (and not the Rabanan) and throughout Shas we see that they Paskin that they sanctify months.

Another proof: we see that R' Yossi, who (we always Paskin like since) he gives the most

logical reasons, Paskins like R' Yishmael. As we see he holds in Kiddushin that Yovel makes all loans uncollectable from the beginning of the year, and in Erichin it says that anyone who takes that position holds like R' Yishmael that holds that Yovel starts from Rosh Hashana.

However, Tosfos says: it doesn't seem that we Paskin like R' Yehuda, since the Gemara says here and in Erichin "this comes to exclude R' Yehuda's opinion" (implying that we don't hold of it).

However, Tosfos concludes that it's not a complete proof that because it says here and in Erichin that we exclude R' Yehuda's opinion (to prove that we don't Paskin like him). After all, we see in Gitten that Rava enacted to write in Gitten "from this day and on," which is to exclude R' Yossi's opinion (that this would be unnecessary to write) since the date of the document proves that he wants it to take effect right away, even though Rava himself Paskins like R' Yossi in Bava Basra. Also, we see that the Gemara in Kesuvos says (that we believe the husband to make her lose her Kesuva) to argue with R' Shimon b. Gamliel's opinion that Kesuva is from the Torah. However, we always Paskin like R' Shimon b. Gamliel when he's mentioned in a Mishna.

New Sugya

The Gemara asks: where do we know that we add from the weekday onto a holy day? The Gemara answers: as we learned: the Pasuk says "you should rest from plowing and harvesting." R' Akiva says that it's not needed to say that you can plow or harvest during Shmita since the Pasuk already (forbids it) from "you shouldn't plant your field etc." Rather, it's coming to forbid plowing before Shmita that will help what would grow on Shmita, and harvesting after Shmita what grew on Shmita.

Tosfos asks: this Pasuk to forbid plowing is needed for the opinion in Moed Katan that you don't get Malkos for *[a Toldah]* of plowing *[like watering ground to make it soft-see Bach]*. As it says; let us see, that, since pruning is included in planting (i.e., it's a Toldah) and harvesting grapes are included in harvesting grain (i.e., it's a Toldah), [since we would know they're forbidden from they're Av], for what Halacha were they written? To teach us that only these Toldos are forbidden, but not others. Therefore, Tosfos concludes: even Toldos whose Avos are written are not forbidden unless that Torah wrote them explicitly, therefore, the Torah needed to write plowing to teach us that it's forbidden during Shmita.

Tosfos answers: the main implication (that the Pasuk refers to before and after Shmita) is from harvesting (that's already written to forbid on Shmita). (Don't say that the Torah only forbids the harvesting for after Shmita, but plowing was written for its own prohibition on Shmita itself.) After all, since harvesting is written for the addition time, so too, plowing was written here to teach us about an addition time.

The next Tosfos explains harvesting after Shmita what grew during Shmita: Riva explains: harvesting grains that grew by themselves that grew a third on Shmita. After all, if it was planted on Shmita, we should know it from "you can't plant." *[See Pnai Yehoshua who asks that perhaps this Pasuk only forbids the planting and not the harvesting? See there for his answer.]*

Tosfos asks: we should know this is forbidden from "behold, it's not planted," which R' Tam learned that grain that grew by themselves is forbidden to eat even before the Biur just like planted grain. So, why do you need two P'sukim to forbid grain that grew by themselves? However, this fits well to Rashi (who didn't learn from here to forbid grain that grew by themselves).

Tosfos answers: we don't forbid grains that grew by themselves if they grew a third during Shmita. We only forbid from that Pasuk those grains that were harvested on Shmita itself. Therefore, we need the Pasuk about plowing and harvesting. However, if it was only from this Pasuk, I might say that the Torah only forbade it regarding doing business with it, but not for eating. Therefore, we need the Pasuk "behold, it's not planted," (to teach us that this prohibition applies to eating too).

The next Tosfos explains: it's only forbidden to harvest normally, but it's permitted when done abnormally even on Shmita proper. As we see in Toras Kohanim "you should not harvest grapes" i.e., in its regular manner. From here we say that you can't cut figs with the regular cutting knife, but you should use a sword. We find this in an explicit Mishna in Shviuos.

However, this, that we learn in Toras Kohanim that you can't harvest grapes from the guarded vineyards, but you can harvest from the ones that were made Hefker, (it doesn't mean that you can harvest them normally), but you can only harvest them abnormally. Even so, even abnormally, you can't harvest a guarded vineyard.

Tosfos is bothered by the following question: in Bava Metziah, it says that they hired guards on Shviuos to watch the grain that grew by itself so that you may bring the Korban Omar (on Pesach) and the two loaves (on Shvuos). If guarded produce is prohibited, then these grains should be prohibited to Jews, and subsequently, become prohibited to the Mizbeiach since it says "it needs to be drinks fit for Jews."

Tosfos answers: it wasn't completely guarded. After all, it didn't need to be guarded from people, since they separated themselves on their own volition when they're told it's designated for the Omar. Thus, it only needs to be guarded from wild and domestic animals and birds.

R' Yishmael says: (it refers to Shabbos, and we compare plowing to harvesting.) Just as plowing is always a voluntary act, so too you're only Chayiv for harvesting that's only a voluntary act. This excludes harvesting the barley for the Omar which is a Mitzvah.

The Gemara asks: from where does R' Yishmael learn that you add from the weekday onto a holy day?

R' Tam asks: we say in Moed Katan that we have a Halacha L'Moshe M'sinai to learn this according to R' Yishmael [and R' Akiva learns it from the (above) Pasuk.] As the Halacha L'Moshe M'sinai says that you're allowed to plow around a patch of field that has ten young saplings, which implies that it's forbidden to plow (otherwise) like around older trees.

R' Tam answers: (since we already know the addition before Shmita) we're only asking how does he know the addition after Shmita.

Tosfos says that he gave a forced answer for no reason. After all, since the law of Shmita is only known because of a Halacha L'Moshe M'sinai, we wouldn't know it applies to Shabbos, Yom Kippur and Yom Tov. After all, we don't learn something from a Kal V'chomer from a Halacha L'Moshe M'sinai, (and the same applies that we can't extrapolate anything from it).

Tosfos is bothered by the question: if we have the following Pasuk to teach us about addition to a holy time, why do we need the Halacha L'Moshe M'sinai?

Tosfos answers: we need the Pasuk to teach us about Shabbos and Yom tov (that we couldn't learn from the Halacha L'Moshe M'sinai) and we need the Halacha to permit plowing by the young saplings. However, we couldn't give this answer in Moed Katan why R' Akiva needs the Pasuk to teach us about Shabbos, Yom Tov and Yom Kippur, because we can't learn it from a Halacha L'Moshe M'sinai, because if this would be so, it shouldn't have written the Pasuk by Shmita, since the Pasuk is not needed for Shmita itself, but to teach about other Mitzvos.

The Gemara answers: he learns it from the following Braisa. We learned: the Pasuk says "you suffer your souls on the ninth." I might think (to take this literal) and forbid on the ninth? So, the Pasuk (implies it's not forbidden) by saying "from that evening." If it's only forbidden "from that evening," I might say that it's forbidden only from nightfall, so the Pasuk says "on the ninth." How do we reconcile this? You need to start fasting while it's still the ninth day. From here we learn that you add from the week onto the holy. We only know that you add when it arrives (by its beginning), how do we know you add at the end too? The Pasuk says "from evening to the next evening," (implying that you still need to be fasting by the next evening). We know this applies by Yom Kippur, how do we know it applies to Shabbos too? The Pasuk says "you should rest (which is constructed from the verb of Shabbos)" Where do we know it applies to Yom Tov too? It says "You Shabbos." Thus, anytime it's required to rest, **(Tosfos, which comes to include Shmita)**, you need to add from the week onto the holy.

The Gemara asks: what does R' Akiva learn from "you suffer your souls on the ninth?"

Tosfos explains: R' Akiva learned all addition to holy days, like for Shabbos, Yom Tov and Yom Kippur from (the Pasuk by) Shmita. (However, we can't say we ask this since he doesn't hold of an addition to Yom Kippur) since everyone holds of adding onto Yom Kippur from the Torah, like we see in Mesechtas Shabbos and Beitzta.

Tosfos asks: the Gemara in Pesachim says that the prohibitions of Yom Kippur are forbidden during its Bein Hashmashes. Why must it say this if everyone holds it's forbidden during an additional time before nightfall at its arrival and at night after it left. It's also difficult from the Mishna in Shabbos that you can't light candles Bein Hashmashes (although it's forbidden even before that).

Tosfos answers: perhaps it doesn't mention it since you only need a small amount of addition.

Alternatively, we see R' Gamliel in Moed Katan doesn't hold of having an addition. After all, it says there that he permitted those two times (that they forbade plowing before Shmita) by Pesach and Shvuos time. The Yerushalmi says he learns it from the Pasuk. Since Shmita is written next to the Pasuk "you should do work for six days and you should do your work." Just as it's permitted to do work on Shabbos until sunset, so too before Shmita it's permitted until sunset (of Rosh Hashana of Shmita). We have a similar Drasha in Moed Katan that we learn Shmita from Shabbos, just like Shabbos, it's only forbidden on Shabbos, and not before or afterwards etc. (also Shmita is that way). However, the Gemara didn't end up holding of this Drasha in its conclusion. Rather, that this Halacha L'Moshe M'sinai was only said when the Beis Hamikdash stood, just like the Halacha L'Moshe M'sinai that it was taught with, libating water (during Sukkos, which only applies when the Mikdash stood). According to that, we could have answered that the Halacha L'Moshe M'sinai can also be like R' Akiva. He only needed the Pasuk to teach about additions to Shmita for when the Beis Hamikdash wasn't standing. However, this wouldn't fit well to Rebbi that held that Shmita

these days are rabbinic. (So, a Pasuk can't be telling us what happens after the Beis Hamikdash wasn't standing, since there is no Torah law of Shmita then.)

The Gemara answers: we need it for Chiya b. Rav's Drasha. He Darshens: it says "you suffer your souls on the ninth." However, isn't it the tenth day that you fast? Rather, it teaches us that, anyone who eats and drinks on the ninth, the Torah considers it as if he fasted the ninth and the tenth.

Tosfos (top of Daf 9b) explains: it's as if Hashem commanded us to fast on the ninth and tenth (and as if you fulfilled that command). However, now (that the Torah commanded us to eat on the ninth), it's forbidden to fast on the ninth. This is like the Gemara in Pesachim that Mar b. Raveina who fasted every day except for Shvuos, Purim and Erev Yom Kippur (since there is an obligation to eat on those days). It must be that (this Braisa that holds you must eat) held like R' Akiva, but not like R' Yishmael, since he doesn't hold of this Drasha. (After all, he needed this Pasuk to teach us that you need to add onto Yom Kippur.) This also fits well into the Gemara in Pesachim that it doesn't say that all agree on Erev Yom Kippur that you need to have (pleasure) for yourself (by eating) like it says there regarding Shvuos.

Daf 9b New Sugya

We learned: the Pasuk says "it's Yovel," (which is extra, so it includes something). R' Yehuda says: this teaches us that it's Yovel (and it's forbidden to work the field) even if they didn't let go (i.e., return their bought fields) and even if Beis Din didn't blow the Shofar.

Tosfos explains that it's Yovel to be forbidden to plant and harvest the fields, as it says "you can't plant and you can't harvest." This is true even if they didn't leave go of the bought lands, that they should revert to their original owners on Yovel.

I might think it's even so if no one sent back their slaves, so the Torah writes "it's," which connotes an exclusion. R' Yossi says: "it's Yovel" teaches us it's Yovel even if they didn't let go of their bought fields and even if they didn't send out their slaves. I might think that it's Yovel without Beis Din blowing the Shofar, so the Torah writes "it's," which connotes an exclusion. However, once the Torah includes something and excludes another thing, why do I reconcile it that it's Yovel without sending the slaves but it's not Yovel without blowing the Shofar? It's possible for the world not to have any slaves to send but it's impossible not to be able to blow Shofar. Alternatively, Shofar blowing is Beis Din's task and sending the slaves are not Beis Din's responsibility.

The Gemara asks: why must R' Yossi give an alternative answer: The Gemara answers: even if you say it's impossible that there is no slave at the ends of the earth who goes free (and you can't say that, practically, you may have a year that sending slaves is not applicable). Still, Shofar blowing is Beis Din's task and sending slaves free isn't Beis Din's obligation.

The Gemara asks: I understand R' Yossi's position, since he states his rationale. However, what's R' Yehuda's reason for his position? The Gemara answers: since the Pasuk before says "you call out liberty (D'ror) in the land" (and the Pasuk refers to blowing Shofar two P'sukim earlier). So, he holds that we make the Drasha (that "it's" necessary) to what the Torah refers to in the Pasuk before this and not to the Pasuk that's before the Pasuk that's before it.

Tosfos explains: the exclusion only goes on the sending slaves to their freedom which is written before it, and not on blowing the Shofar that's written another Pasuk before that and not on leaving go of your bought lands that's written afterwards, that "each man shall return to his inheritance and to his family."

Tosfos is bothered by the question: once we have an exclusion and inclusion, why do we limit the exclusion to the one right before it and say the inclusions includes the rest. Why not say the opposite?

Tosfos answers: since we would Darshin this way regularly [*Tosfos Harosh- since we would assume Yovel applies in all cases*], therefore, we establish the exclusion (in one case), the one the Torah probably wants to exclude, (which is the topic of the Pasuk before it).

Alternatively, when we have the inclusion that "it's Yovel," it implies that it should always be Yovel in all (possible) circumstances.

The Gemara points out: everyone seems to explain the word 'Dror' to refer to freedom. The Gemara asks: how does that word imply freedom? As the Braisa says 'Dror' only means freedom. R' Yehuda explains: it means "you can live (Dor) wherever you like, and you can travel around in all countries."

R' Chiya b. Abba quotes R' Yochanan: these are the opinions of R' Yehuda and R' Yossi. However, the Rabanan hold that all three activities (leaving go to bought fields, sending slaves and blowing the Shofar) is a must for Yovel to come. He learns that the Pasuk refers to the Pasuk before it (sending slaves) and the Pasuk before that (blowing Shofar) and the Pasuk after it (leaving go to fields).

The Gemara asks: but doesn't it say "it's Yovel" which is an inclusion? (After all, the Rabanan don't include anything, since they exclude all possible cases.) The Gemara answers: it includes that Yovel applies in Chutz L'aretz.

Tosfos points out: R' Yossi admits to this (that it applies in Chutz L'aretz). After all, he said that it's impossible that there would be one person at the end of the world (that sending out his slave). (Although he learns "it's Yovel" for another Drasha), perhaps he learns (that if applies in Chutz L'aretz) from another Pasuk.

The Gemara asks: doesn't the Pasuk says explicitly "in the land?" The Gemara answers: it means it only applies in Chutz L'aretz when it applies in Eretz Yisrael. However, it doesn't apply in Chutz L'aretz when it doesn't apply anymore in Eretz Yisrael.

New Sugya

The Mishna lists saplings (for Orla) as those items that we count Tishrei as its Rosh Hashana. The Gemara asks: how do we know this? The Gemara answers: it says "there are three years for it to be Orlah" and it also says "on the fourth year (it's Neta Revai)" and we learn a Gezeira Shava from the word 'year' from Tishrei, as it says "from the beginning of the 'year'." The Gemara asks: let them rather learn this Gezeira Shava to Nissan (where it also says the word 'year'). As we see the Pasuk says "it's the first of the months for you etc." The Gemara answers: we rather learn the Pasuk that says the word 'year' without the word 'month' from another Pasuk that only says the word 'year' and not the word 'month,' and we don't learn the Pasuk that says the word 'year' without the word 'month' from another Pasuk that says both 'year' and 'month.'

We learned: it doesn't matter if you plant, bend a sapling into the ground for it to take root....

Tosfos explains: bend a branch and cover it with dirt. It's cut in the middle of the bend (to make it independent). The branch will stick out to the other side and point away from the trunk of the original tree.

..... or if you graft thirty days before Shmita, it ends its first year (regarding Orlah) and it's permitted to keep it on Shmita.

Tosfos defines 'Markev' as grafting a tree into another tree. From here it implies that bending a branch in the ground and grafting makes the fruit from it into Orlah.

Tosfos asks: the Mishna in Orlah implies that it's not Orlah. We see the same in the Toras Kohanim that the Torah says by Orlah "you planted," this excludes bending the branch and grafting. From here we say that if you bend (Sipuk) vines and they're bending of the bending etc. are all permitted. The term 'Sipuk' by vines are the same as 'Mabrich' by a tree. [*See text in Tosfos HaRosh*]. So, what you bend into the ground this year grow other vines. So, next year you bend those vines in the ground and they're now called "your bending's bending."

Tosfos answers: that refers when you didn't cut it off from its source (to the original tree or vine) which was an old tree (so it gets the same status as the old tree). Our Gemara refers to when it was cut off, as we'll say later that we count the years from the time it's planted (by itself, i.e., cut off).

Tosfos concludes: we have to think greatly into if we could give this answer in the Gemara in Sota. As the Gemara there, (regarding planting a vineyard that exempts someone from having to join the army, that we have conflicting Braisos) if grafting makes him return from the draft. We reconciled them that he returns if he grafted in a permitted fashion and he doesn't return if he does it in a forbidden fashion. (So, could they have answered that the one who says he doesn't return refers to (bending it) and not cutting it off its source and the one that says he returns refer to cutting them off making them independent trees.)

However, if it's less than thirty days, it doesn't end its first year and it's forbidden to keep it on Shmita.

Tosfos deduces: it doesn't really need to say (it's permitted to keep it) "on Shmita," since we already framed the case as planting before Shmita. Therefore, there are some who say this implies (from the extra word) that you may L'chatchila plant.

A proof to this: later, the Gemara establishes this as R' Meir's opinion, and in Gitten, R' Meir holds that you must uproot any planting on Shmita, whether done on purpose or forgetfully. The Gemara says his reason since people are suspected to transgress it (we're very stringent to fine them in all cases), if it wasn't for that reason, he would permit keeping it. Therefore, if this is somewhat forbidden, he wouldn't allow keeping it.

Another proof: the Gemara later says that you can't plant within thirty days. This infers that you're allowed to plant thirty days before.

However, R' Tam (argues): he establishes the Gemara that says that according to the opinion who needs thirty days really needs twice thirty days, that this is only regarding Orlah, but not regarding Shmita like I'll explain. After all, the term "it's permitted to keep" implies that it's forbidden to plant L'chatchila. However, Tosfos pushes off this proof: perhaps they only wrote it to parallel the second case. Once it's written there "you're not allowed to keep it," it writes in the first case "it's permitted to keep it."

Tosfos asks: in Mesechtas Shviuos, and brought in Moed Katan, it says that you can only plow in a grain field (Erev Shmita) until Pesach and in an orchard until Shvuos. If we allow even to plant thirty days before Rosh Hashana, why don't we allow to plow until thirty days before Rosh Hashana?

R' Tam answers: they weren't as stringent by planting as they were by plowing since the addition onto Shmita is only forbidden by the Torah by plowing, as we Darshen the Pasuk "rest from plowing and harvesting," (that it refers to plowing before Shmita).

Another answer: every plowing that's done before Shmita improves the land for Shmita. However, you can't forbid planting before Shmita since it grows on Shmita, since all trees grows on Shmita. So, (if we would forbid planting that will grow on Shmita), you would never allow planting trees.

The Yerushalmi has another reason for this. It says the reason they only allow plowing until Shvuos, because; before that is beneficial for the fruit and afterwards it's detrimental for the fruit (so, it's only use is for Shmita). The Gemara there asks: but we say it doesn't make a difference if it's fruit trees or barren trees (but the above reason only applies to fruit trees). The Gemara answers: until Shvuos it helps to thicken the beams (that you can make from the barren tree, which is its produce). Afterwards, it only harms the beams. This reason fits in well, that, since it doesn't help for the trees, it looks as if you're setting up the field to use on Shmita.