

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 15
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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.

Rather, if we had a statement here, this is how the statement goes: Rabbah b. Huna says; although R' Gamliel says that an Esrog follows the year it's picked like vegetables, still, it's Rosh Hashana is Shvat. The Gemara asks: what's the difference over there (Daf 12b regarding picking vegetables) the case is given that it was the second year going into the third year, and here it gives a case of the third year going into the fourth year?

The Gemara answers: it tells an unrelated Chidush, that the Esrog tree is very sensitive to handling it, so, since people were touching it when it was Hefker during Shmita, it doesn't return to give fruit until the third year (in the next cycle).

R' Yochanan asked R' Yannai: when is the Rosh Hashana for Esrogim? He said that it's Shvat. He further asked: is this Shvat in the order of the (lunar) months, or is it Shvat of the season (i.e., when Shvat should fall out according to the solar year, despite that the month Shvat is earlier or later in a particular year)?

Tosfos points out that this question is also applicable by the Mishna that says the Rosh Hashana of trees is the first of Shvat, although this was asked explicitly on Esrogim.

He answered: like the (lunar) month.

Tosfos explains: although the ripening of the fruit is caused by the sun, as it says "the sweetness of the sun's grain," but it also (caused by the moon) as it says "the sweetness of the moon's crop." Also, (the moon has another property in its favor) that the Jews count their year by the moon.

Rava asked R' Nachman, and others say it was R' Yochanan asking R' Yannai; let's say it's a leap year (for perhaps, Adar Rishon is in Shvat's place), what's the Halacha? He answered: it's like Shvat of most years (i.e., the month we call Shvat).

New Sugya

Rabbah says: an Esrog that started growing on the sixth year heading into the seventh year is exempt from Maasar and you do not need to do Biur (to not eat it after they're no longer found growing in the fields). However, if it started growing on the seventh year heading into the eighth year, it's exempt from Maasar and you need to do Biur. Abaya asked him: I understand the last case that we impose a stringency (even if you don't know if to follow when it's picked on when it forms).

Tosfos asks: how can this be classified as a stringency? After all, it's only a stringency regarding Shmita and a leniency regarding Maasar. It's not applicable to say that we're just following a stringency unless you're stringent in both aspects. Rather, it should have said that I understand the last statement because it completely follows the fruit's forming.

Tosfos answers: it means like this, even if you say that you're in doubt whether to follow the forming or picking, and that's why you were stringent by the Biur. Even so, it fits well why you're exempt from Maasar, since the rabbis obligated you to make them Hefker.

However, how do we understand the first case? After all, why should you be exempt from Biur? Is it because you follow when it formed (which was on the sixth year)? If so, why aren't you obligated to separate Maasar? Rabbah answered: you have the whole world touching it (since it was growing during Shmita, and people take it not knowing that it started growing early), and you want to obligate it in Maasar? (I.e., since practically everyone takes it, it's like Hefker that's exempt from Maasar.)

Tosfos points out: we only need this reason according to the one who said before that an Esrog has the same Halachos as other trees in all aspects that we follow when they're formed. Even so, we say here that they're exempt from Maasar because everybody's touching it. However, what we'll quote Avtulos to say later in the name of five elders that an Esrog follows when it's picked regarding Maasar and after its forming by Shmita, the above reason wouldn't be necessary. After all, we follow the way it's picked by Maasar, both by what's considered to be the old or new crop and what's considered to be part of the year that's obligated in Maasar Sheini and what's considered to be part of the year that's obligated in Maasar Ani.

Tosfos concludes; the Gemara later didn't need to bring Avtulos as the one who holds this opinion. After all, we have an explicit Mishna in Bikkurim that we already brought that an Esrog is the same as other trees in three aspects and to vegetables in one aspect.

R' Hamnurah says: an Esrog that started growing on the sixth year heading into the seventh year has the status of a sixth year fruit in all aspects. An Esrog that started growing on the seventh year heading into the eighth year has the status of a seventh year fruit in all aspects.

The Gemara asks: R' Shimon b. Yehuda quotes R' Shimon; an Esrog that started growing on the sixth year heading into the seventh year is exempt from Maasar and you do not need to do Biur, since there is no fruit that's obligated in Maasar unless it was grown and picked when it's obligated.

Tosfos points out: you don't need to have both in the same year regarding if it's considered from the old or new crops, or what's considered to be part of the year that's obligated in Maasar Sheini and what's considered to be part of the year that's obligated in Maasar Ani. In those aspects, we follow when it's formed. Over here we exempt because everyone touches it, (it's like Hefker).

An Esrog that started growing on the seventh year heading into the eighth year is exempt from

Maasar and from Biur. After all, there is no fruit that needs Biur unless it was grown and picked on Shmita. This seems that the first statement is a question on R' Hamnunah and the second statement is a question to both Rabbah and R' Hamnunah.

Tosfos asks: why is this such a question from the last statement to Rabbah and R' Hamnunah? After all, all Tannaim argue with R' Shimon. After all, it's simple that, regarding Maasar and Shmita, trees follow when they're formed, vegetables follow when they're picked and grains and olives follow when they grew a third.

Another question: R' Shimon himself in Pesachim says that all vegetable growths on Shmita is prohibited besides the cabbage. Over there, R' Nissim explains that it refers to the seventh year crop extending into the eighth year. (Thus, it doesn't need to form and be picked on Shmita to have the status of Shmita.)

Tosfos answers: that (it has the status of Shmita even if it wasn't picked on Shmita) is only regarding all other aspects of Shmita except for Biur.

Alternatively, this rule (that it must form and be picked during Shmita) is only regarding an Esrog, and perhaps there might be some (unknown to us) reason this should be true. Therefore, we can well establish the Mishna about the fruit 'Bnos Shuach,' that they have the status of Shmita on the second year of the cycle (since it takes them three years to grow) like R' Shimon (although you're not picking them on Shmita).

The Gemara answers: it's really a Tannaic argument (and those Amoraim held like other Tannaim). As we see that R' Yossi said: Avtulmus testified that five elders Paskined; an Esrog follow its picking regarding Maasar and the rabbis of Usha voted to Paskin that it follows its picking both by Maasar and Shmita. The Gemara asks: who mentioned Shmita in the Braisa (that compelled Usha to comment about it)?

Daf 15b

The Gemara says that it's must be missing some words from the Braisa. This is what it should say: an Esrog follows when it's picked for Maasar and follows when it's formed for Shmita. The rabbis of Usha voted to Paskin that it follows its picking both by Maasar and Shmita.

There are those who have the text "Esrog follows its forming, whether for Maasar or Shmita." This would be the same as R' Elazar's opinion earlier. However, Tosfos says that it doesn't seem correct, since it's explicit in Mesechta Sukka that the true text that we follow the time it's picked. It comes out that it's a three-way argument, (whether we follow the forming in both aspects or the picking in both aspects or forming for Shmita and picking for Maasar.)

We learned: R' Yochanan and Reish Lakish both say that; an Esrog that starts growing on the sixth that grows into the seventh, even if it started in the sixth to be only a Kazayis big and grew to be as big as the measurement 'Kikar,' (if he eats from it without separating Trumah and Maasar) he transgresses the prohibition of eating Tevel (untithed produce).

We learned: fruit of a tree that took form before the fifteenth of Shvat, you separate its Maasar as the year before, and if it forms after the fifteenth of Shvat, you separate its Maasar as the year after. R' Nechemia says; that's only by a tree that makes two sets of offspring. (The Gemara asks: do you really mean two sets of offspring?)

Tosfos points out that it's not applicable to call "sets of offspring" for these (trees) but only for birds, like Rashi explains. As we see the Mishna in Bava Basra says: if you bought the produce of a dove coop, you need to leave the first set of offspring.

However, you can't explain the question: (how can you say there is a tree that give off two crops a year) since there are no trees that give fruit twice a year. After all, the Gemara in Eirubin talks about a date tree called "Diyupira," (and they called it that since the produce fruit twice a year.)

However, Tosfos defends this explanation: perhaps the question is because; since such trees are uncommon, we shouldn't start differentiating it from other trees if the whole obligation is rabbinic.

Rather, it means similar to two sets of offspring, (i.e., that it makes two crops) However, if it only makes one crop, like date, olive, and carob trees, even if it formed before the fifteenth of Shvat, you separate its Maasar like the coming year.

Tosfos points out that the Braisa didn't need to use olives as an example since the Tanna Kama agrees that grains and olives follow when they grew a third, and not after forming.

R' Yochanan says that the world is accustomed to follow R' Nechemia's opinion regarding carobs.

Tosfos says: the Gemara wasn't exact when it says they were accustomed by carobs, since it applies to date trees and olive trees and all other trees that has one crop a year. After all, the Gemara later asks on this from the fruit "Bnos Siach."

Tosfos asks: in Brachos, the Gemara defines "Bnos Siach" as white figs. In Shabbos, the Gemara says that you need to harvest the crop at one time to obligated in Pe'ah, which excludes figs that aren't harvested at one time. (So, how can we say here that Bnos Siach, which are figs, are harvested at one time?) Although, we can differentiate between white figs and regular figs (that white figs are harvested at one time), but the Mishna in Pe'ah list fruit that you harvest at one time and it doesn't list "Bnos Siach."

Tosfos answers: perhaps the Tanna listed many examples (but it wasn't an exhausted list), but left certain items out.

Reish Lakish asks: but didn't we learn that the fruit "Bnos Suach" have the prohibitions of Shmita in the second year of the cycle, since it takes three years to grow. (So, we see that such fruits follow the year they were formed.) R' Yochanan kept quiet (because he couldn't answer it).

Tosfos defines 'Bnos Suach': the Gemara in Brachos brings Rabbah b. b. Chana who defines it as white dates. It's a very inferior fruit, as the Mishna in the beginning of Damai implies that the Am Ha'aretzim are not suspected not to take Maasar off them (since it's so inferior, they don't care if they need to give some away with Maasar). As the Mishna states: we're lenient by these fruit by Damai; wild dates, lotus, sour apples and Bnos Siach. This is also implied in the Gemara in Avodah Zara: They added items to worry about problems of Shmita, the Muchsasin nut and Bnos Suach. However, before they weren't keeping them as Shmita products since they were so inferior (they didn't consider it as produce at all).

Tosfos asks: it implies in Mesechtas Shvuos that it's a very prominent fruit. Like we say the leftover (of certain funds) are left to buy (Korbonos Olah) to be used as a 'dessert' for the Mizbeiach the same way they prepare "Bnos Sheva" for humans, that they eat it for dessert. This "Bnos Sheva" is the "Bnos Suach," as we see in Beraishes Rabbah; the fruit that Adam Harishon ate was called "Bnos Suach" since it caused a downfall to man. Others call it Bnos Sheva since it caused the seven days of mourning. [I.e., they hold it to be the fruit of the Eitz Hadaas.]

We also find that it's a prominent fruit in Nedarim when someone vowed from a basket of fruit and there was Bnos Sheva amongst them, and he said that if I would have known that the Bnos Sheva was amongst them (I would have never made the vow).

However, we can explain this according to R' Yochanan in the Yerushalmi who exempts them from Maasar even if you know Maasar was never taken, and the Mishna wasn't exact by stating they're exempt from Damai. The reason is because most of this type of fruit grow wild (which is Hefker, and Hefker is exempt from Maasar). Therefore, we can explain it as a fruit that grow in the forest which is Hefker and are exempt from Maasar. This is similar to our small nuts and chestnuts. (According to this) the reason they didn't originally keep Shmita by it is because it took three years to grow, as it says here. They thought that they don't follow the year they formed, but rather the year they're picked. (The reason they're different than other trees), is because they don't get picked the same year they formed.

However, Reish Lakish there in the Yerushalmi who obligates to separate Maasar if you're sure that Maasar haven't been taken. He only permits if it's Damai, since Am Haratzim aren't suspected not to take off Maasar off them since they're such poor-quality fruit. The opinion of the Bavli is similar, since it says in Brachos; "it says that you don't need to take off Damai, implying that if you know that nobody took off Maasar, they're obligated in Maasar."

Another question: over there and in the first Perek of Avodah Zara, it calls it white dates, however, in Nedarim it says it's not white or black dates.

Therefore, Tosfos explains: there are three types of dates; the black or white dates are regular dates. The Bnos Suach are inferior dates which are mentioned in Mesechta Damai and Avodah Zara. They're called Bnos Suach (for the downfall) since they pin (the name) for destruction with the most poor-quality (of the type of fruit that was the Eitz Hadaas). However, the Bnos Sheva of Mesechta Shvuos and Nedarim are very prominent fruits. After all, if they caused the seven days of mourning (since they're the fruit that Adam and Chava ate) they probably ate the highest quality of the type. After all, the Pasuk says that the fruit was desirable.

Tosfos brings another version of the text in Avodah Zara. It says "Muchsasin Bnos Suach" without a 'Vuv' ('and') between them. According to this, it's the name of one fruit that has this name (and therefore, it's not the plain Bnos Suach). As we see in Mesechta Bechoros it says that the wolf, the lion, the bear, the leopard and the polecat take three years for gestation. To correspond this by the trees is the Bnos Suach (that takes three years to have fruit). It takes the snake seven years for gestation, and there is no corresponding tree for that evil creature. There are those who say a corresponding tree is the Muchsasin Bnos Suach. Rashi explains there that it's Muchsasin type of the Bnos Suach, but not the actual Bnos Suach. (So, we see that they're different fruit.)

Alternatively, (we can explain the Gemara in Bechoros that they're not different fruit. When

we say Muchsasim Bnos Suach is seven years) it means that from the planting of the that tree, it takes seven years until it bears fruit. In that aspect, we compare it to the snake. Similarly, it says the animal 'Appah' take seventy years for gestation, and a carob tree corresponds to it. It takes seventy years from the planting of a carob tree until it finishes making its first fruit. However, by a wolf and lion that it takes three years, (which correspond to the Bnos Suach), that's only from the time the fruit starts to form until it finishes growing, as it says in our Gemara.

R' Abba the Kohain asked R' Yossi the Kohain: why did R' Yochanan remain quiet? Let him say that you're bringing a proof from the Rabanan's opinion and I hold like R' Nechemia's opinion. R' Yossi answered: since Reish Lakish could have asked: how can you leave the opinion of the Rabanan and do like R' Nechemia?

Tosfos says: the Gemara could have asked a better question; that R' Yochanan always Paskins like an unnamed Mishna, (and the Mishna is the Rabanan's opinion)

The next Tosfos explains: if he would have answered him this (that he holds like R' Nechemia), Reish Lakish could have replied; how can you leave the Rabanan's opinion and hold like R' Nechemia, that you're trying to claim that you're holding like R' Nechemia.

R' Abba asks: why didn't he respond; I was saying what people were accustomed to do and you're asking me from how we Paskin (i.e., that it's prohibited to do otherwise). R' Yossi answered: because he could have responded; when there is a prohibition involved, how can they leave them to do what they're accustomed to do?

Tosfos explains: it's a term of bewilderment "do we allow them their custom?" I.e., since the term of "being accustomed" implies that, if he already did it, we don't require him to do it over, as it says in Mesechta Taanis. However, since there is a prohibition (to do like R' Nechemia) since the Halacha is like the Rabanan, he should have to reverse what he did and do it over.

However, in Pesachim it says that R' Yochanan says the world is accustomed to do like R' Yehuda's opinion explaining Beis Hillel (in the order of the Brachos of Havdalah), which implies that they L'chatchila do so. After all, Rava made a Bracha on the spices first and then on the fire (like R' Yehuda). Anyhow, (either explanation of "accustomed to") fits well in our Gemara.

Tosfos concludes: this is a proof against Rashi's explanation in the beginning of Pesachim, when it says about the prohibition of doing work Erev Pesach in the morning, he says it refers to places where they're accustomed not to do work. However, since it talks about a prohibition, it wouldn't say that it's a custom. [After all, it says here, if it's in a place of a prohibition, would we allow a custom. So, prohibitions and customs are not the same thing.]

R' Abba asked: I said about Maasar on carobs which is rabbinic (and you have more room to be lenient), and you're telling me the Halacha by Shmita that's from the Torah.

Rather, R' Abba said: I doubt whether Reish Lakish really asked this question. The Gemara asks: we recorded that he asked the question. Rather, I doubt whether R' Yochanan accepted this question (as a disproof) or not.