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Rosh Hashanah Daf 10

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Gemora cites a Baraisa: One who plants a tree, bends a vine (and inserts into the ground), and one who grafts in the year before Shemitah - if this was done more than thirty days before Rosh Hashanah, it will be considered a complete year in respect to orlah when Rosh Hashanah arrives and it will be permissible to preserve these plants during Shemittah (they will not be regarded as produce grown during Shemittah). If, however, this was done less than thirty days before Rosh Hashanah, when the first of Tishrei arrives, it will not be considered a year in respect to orlah and it will be prohibited to preserve these plants during Shemittah. [The Baraisa continues discussing the case where the tree was planted more than thirty days before Rosh Hashanah.] The fruits of such a planting are forbidden until the fifteenth of Shevat,<sup>1</sup> whether as "orlah" in [the year of] "orlah", or as fourth year fruit in the fourth year.<sup>2</sup> - What is the ground for this ruling? — Rabbi Chiya bar Abba said in the name of Rabbi Yochanan, and some trace it back to the name of Rabbi Yannai: The verse states: and in the fourth year. . . and in the fifth year. There are occasions when fruit appears in the fourth year and it is still forbidden on account of orlah, and there are occasions when fruit appears in the fifth year and it is still forbidden on account of revai - 'fourth year'.

Shall I say that this is not [in agreement with] Rabbi Meir, since Rabbi Meir has affirmed that one day in the year is reckoned as a year, as it has been taught: [When the Torah

states that one can offer a bull as a korban, it is agreed upon that the bull must be in its third year.] Rabbi Meir maintains that the bull mentioned in the Torah without specifying its age must be at least twenty-four months and one day old. Rabbi Elozar disagrees and holds that the bull must be at least twenty-four months and thirty days old. The Gemora assumes that the Tanna of our Baraisa cannot be Rabbi Meir since he maintains that one day constitutes a year and it is not necessary to have thirty days. The Gemora responds and states that perhaps there is a distinction between the beginning of the year and the conclusion of the year. Rabbi Meir would maintain that one day at the end of the year constitutes a year but to be considered a year in the beginning, thirty days would be required.

Rava objects to this distinction and proves that the logic should be exactly the opposite from a halachah regarding the Biblical laws of a niddah. [In order for a niddah to purify herself by immersing in the mikvah, she must wait for nightfall after the seventh day is complete; yet the first day counts as a complete day even if her flow began towards the end of the day.] Now, is there not a kal vachomer: Seeing that in the case of a niddah, though the beginning of the [seventh] day is not reckoned as concluding her period, the end of the [first] day yet counts for the beginning of her period, in the case of [a period of] years where one day is counted [as a whole year] at the end, does it not follow that one day should

<sup>1</sup> Although three years are reckoned to have been completed by the previous Rosh Hashanah.

<sup>2</sup> Even though we have learned that the first of Tishrei accomplishes that the tree has completed its first year, this is only regarding fruits that emerge after the fifteenth of Shevat. Regarding the fruits that emerge before the fifteenth of Shevat,

they will still be considered orlah until the third fifteenth of Shevat arrives. If the tree was planted within thirty days of Rosh Hashanah, the fruits will remain in an orlah status until three more Rosh Hashanahs, seven and a half months after the other fruits (those emerging from the trees planted more than thirty days before Rosh Hashanah).

be counted [as a year] at the beginning? — What then? Will you say [that the Baraisa follows] Rabbi Elazar?<sup>3</sup> [How can this be, seeing that] Rabbi Elazar requires thirty days and thirty days, as we have learned: We do not plant nor bend over nor graft in the year before the Shemittah less than thirty days before Rosh Hashanah, and if one did plant or bend over or graft, he must uproot the plant; these are the words of Rabbi Elazar. Rabbi Yehudah said: If a grafting does not take within three days, it will not take at all. Rabbi Yosi and Rabbi Shimon said that it takes two weeks, and [commenting on this] Rav Nachman said in the name of Rabbah bar Avuha: On the view that thirty days are the period [for taking] we require thirty days and thirty; on the view that three days are the period, thirty-three days are required; on the view that two weeks are the period, two weeks and thirty days are required.<sup>4</sup> Now even if [we accept the view of] Rabbi Yehudah, thirty-three days are required? — The truth is [that the statement in question follows] Rabbi Meir, and when it says thirty days, it means the thirty days of taking. In that case it should say thirty-one days? — He held that the thirtieth day counts both ways. (9b4 – 10b2)

Rabbi Yochanan said: Both of them [Rabbi Meir and Rabbi Elazar] based their views on the same verse, viz., And it came to pass at one and six hundred years, in the first month, on the first day of the month. Rabbi Meir holds: Seeing that the year was only one day old and it is still called a year, we can conclude that one day in a year is reckoned as a year. What would the other say to this? — [He says that] if it were written: 'In the six hundred and first year', then it would be as you say. Seeing, however, that it is written, 'In the one and six hundred years', the word 'years' refers to 'six hundred', and as for the word 'one', this means 'the beginning of one'. And what is Rabbi Elazar's reason? — Because it is written:

<sup>3</sup> The Gemora considers that perhaps the Tanna of our Baraisa is Rabbi Elozar who holds that thirty days constitutes a year pertaining to animals used for a korban, so too the tree must be planted thirty days before Rosh Hashanah to be considered a year.

<sup>4</sup> The Gemora cites a Mishna proving that a tree needs thirty days to become rooted in the ground. The Mishna states that if one plants a tree within thirty days of Rosh Hashanah prior to a

'In the first month on the first day of the month. Seeing that the month was only one day old and it is yet called 'month', we can conclude that one day in a month is reckoned as a month; and since one day in a month is reckoned as a month, thirty days in a year are reckoned as a year, a month being reckoned by its unit and a year by its unit. (10b2 – 10b3)

#### INSIGHTS TO THE DAF

##### HOW SHOULD WE RULE?

The Gemora cites a Mishnah which states that if one plants a tree within thirty days of Rosh Hashanah prior to a Shemittah year, the tree must be uprooted. Rabbi Yehuda maintains that a tree takes root within three days. Rabbi Yosi and Rabbi Shimon hold that a tree takes root within two weeks of its being planted.

The Rambam and other poskim all rule in accordance with Rabbi Yosi and Rabbi Shimon. The Sfas Emes questions as to why the Rambam does not rule regarding lands outside of Eretz Yisroel in accordance with Rabbi Yehuda who holds that three days is sufficient. There is a principle that we rule outside of Eretz Yisroel in accordance with the viewpoint which is most lenient in Eretz Yisroel.

The Shagas Aryeh (14) and the Noda Beyehuda (kamma Y”D 88) answer that whenever the Gemora rules explicitly like the Tanna who is stringent, the principle of ruling in Chutz La’aretz in accordance with the lenient opinion does not apply.

##### NOT A FACTUAL DISPUTE

The Gemora cites a Mishnah which states that if one plants a tree within thirty days of Rosh Hashanah prior to a Shemittah

year, the tree must be uprooted. Rabbi Yehudah maintains that a tree takes root within three days. Rabbi Yosi and Rabbi Shimon hold that a tree takes root within two weeks of its being planted. Rav Nachman rules in the name of Rabbah bar Avuhah that according to all these opinions, you must add an additional thirty days to satisfy the requirement of adding from the ordinary onto the holy.

year, the tree must be uprooted. Rabbi Yehuda maintains that a tree takes root within three days. Rabbi Yosi and Rabbi Shimon hold that a tree takes root within two weeks of its being planted.

The Chasam Sofer (Y"D 284) comment that this is not a factual dispute as to how many days it takes for a tree to take root for everyone holds that it takes root in three days or less and the facts can attest to this. The argument is regarding a case where for some reason the tree did not take root. After how long can it be stated with a certainty that the tree will not take root any longer.

Interestingly, the Chazon Ish (Shvi'is 17:28) explains exactly the opposite. He also comments that there is no factual dispute amongst the Tannaim and everyone agrees that a tree can only begin to take root within three days. The argument is if that little bit is considered taking root or is a much firmer attachment to the ground necessary.

#### DAILY MASHAL

##### LET FREEDOM RING

***"Proclaim liberty throughout the land and to all the inhabitants thereof."***

To any patriotic student of American history this is familiar as the inscription on the Liberty Bell enshrined in Philadelphia's Independence Hall. But to anyone familiar with Chumash it is a passage (Vayikra 25:10) in which Jews are commanded to announce (with a shofar, not a bell) "dror" - freedom - for their Hebrew slaves when the "Yovel" (Jubilee) year arrives.

Rev Mendel Weinbach writes: The etymological discussion of how dror connotes freedom offers a fascinating insight into the Torah's definition of the essence of freedom. The verb *dr* literally means to dwell. Freedom is therefore defined as a person's unrestrained ability to dwell wherever he wishes and to sell his wares in any land he chooses. A slave is bound to the area where his master requires his services,

and the profits of his labor accrue to his master. In Yovel, these geographic and economic restrictions are lifted and he achieves true freedom.

Throughout the centuries we have seen totalitarian states enslaving their citizens not with the physical chains of bondage but with restrictions on their right to travel. The Jewish "refuseniks" in Communist Russia and the Jews today in Moslem states like Iran, Iraq and Syria are modern examples of people denied the right to emigrate to the land of their choice and are therefore virtual prisoners.

It may certainly be said to the credit of the democratic tradition of the United States that it has lived up to the message of freedom inscribed on its Liberty Bell by never restricting the freedom of travel of any of its law-abiding citizens. Israel, the only true democracy in the Middle East and the country where that message originated thousands of years ago, can proudly claim that same record of freedom.