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Daf 3

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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 provides a Scriptural source indicating that toldos (*secondary labors*) except for pruning and picking grapes are not Biblically prohibited during Shemittah: It is written: But in the seventh year there shall be a complete rest for the land..., you shall neither sow your field etc. [nor prune your vineyard. That which grows of itself of your harvest you shall not reap and the grapes of your vine you shall not gather]. Now, since pruning comes within the general process of sowing and grape-gathering within the general process of reaping, what law then did the Merciful One desire to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable and for [any] other [secondary processes] one is not [to be] held liable.

The Gemora asks: And is it really not so (that one is not liable for secondary labors during Shemittah)? But it was taught in a Baraisa: You shall neither sow your field nor prune your vineyard, that only forbids me sowing or pruning; from where is forbidden weeding or hoeing or the trimming of wilted parts? From the instructive [form of the] text: Your field you shall not... your vineyard you shall not . . . [which means] no manner of work in your field; no manner of work in your vineyard. [Likewise] from where [is derived the rule] not to cut back shoots, or thin twigs or put up props for supporting [fruit trees]? From the [same] instructive text: Your field you shall not . . . your vineyard you shall not . . . [which means] no manner of work in your field, no manner

of work in your vineyard. [Similarly] from where [is derived the rule] not to fertilize, or remove stones, or dust [with flower of sulfur] or fumigate the tree? From the instructive wording of the text: Your field you shall not . . . your vineyard you shall not, that is, no manner of work in the field, no manner of work in the vineyard. Shall I say that one should not [even] stir the soil under the olive trees, nor use the hoe under the vines, nor fill the gaps [under the olive trees] with water nor make drills for the vines? There is the instructive wording of the text: Your field you shall not sow [nor your vineyard shall you prune]. Now, as ‘sowing’ was already embraced in the general terms of the ordinance, why then was it singled out [for mention]? To provide ground for an analogy, namely that just as sowing has the special quality of being a work common to field and orchard, so is every [other] work that is common to field and orchard [forbidden]!¹

The Gemora answers: The prohibition is only Rabbinic and the Scriptural verses merely add support to the injunction.

But, is it permitted to stir the soil [under the olive tree] in the Shemittah year? Surely [is it not taught]: It is written: But the seventh year you shall let it rest and lie fallow; ‘let it rest’ — not to hoe; and ‘[let it] lie fallow — not to remove stones? — Rav Ukva bar Chama said: There are two sorts of hoeing, one for strengthening the [olive] tree, and another to close up

¹ The Baraisa derives from a Scriptural verse that weeding (with the roots), digging under the vines, weeding (leaving the roots), pruning trees, sawing (off branches, when they are too numerous), supporting (trees by propping them up), fertilizing, removing stones from the roots, covering the roots with earth,

and smoking (for the purpose of killing the insects on the tree) are not permitted to be done during the Shemittah. All of the above are toldos and nonetheless forbidden to perform during Shemittah.

fissures; that for strengthening the tree is forbidden, whereas that for closing up fissures is allowed.² (3a1 – 3a2)

The Gemora presents a dispute between Rabbi Yochanan and Rabbi Elozar whether one would incur the thirty-nine lashes if he would plow during Shemittah. [Rashi (2b) states that there is a positive commandment which forbids plowing on Shemittah. It is written [Shmos 34:21]: *From plowing and harvesting you shall desist*. The point of contention between the two Amoraim is if there is a negative commandment as well.] One says that he incurs lashes while the other says that he does not.

The Gemora suggests that their dispute depends on the principle of Rabbi Avin in the name of Rabbi Ilai, for Rabbi Avin said in the name of Rabbi Ilai: When the verse presents a general positive command, followed by a specific prohibition, the prohibition does not limit the positive command. The one who says that he incurs lashes does not hold like Rabbi Avin in the name of Rabbi Ilai, and the one who maintains that he does not incur lashes holds like Rabbi Avin.

The Gemora rejects this reasoning, for perhaps everyone disagrees with Rabbi Avin in the name of Rabbi Ilai, and the one who maintains that he incurs lashes is understandable. The one who says that he does not incur lashes would say as follows: Let us see; pruning comes within the general process of planting and picking grapes within the general process of harvesting, what rule did the Merciful One intend to inculcate by inserting these (pruning and picking grapes) into the verse? It is to indicate that only for these secondary processes (specified in the verse) will one be liable, but for any other secondary process, he will not be liable.

The Gemora asks: But is he not? Surely it was taught in a Baraisa: You shall neither plant your field nor prune your vineyard; this only forbids one from planting or pruning; from where do we know that one is forbidden from hoeing, hoeing

(under olive trees), or the trimming of wilted parts? It is from the instructive form of the verse: Your field you shall not . . . your vineyard you shall not . . . which indicates that no manner of work in your field (should be done); no manner of work in your vineyard. And from where do we know that one is forbidden, by a tree, from trimming its dry branches, nor cutting back its shoots, nor supporting it? It is from the instructive form of the verse: Your field you shall not . . . your vineyard you shall not . . . which indicates that no manner of work in your field (should be done); no manner of work in your vineyard. And from where do we know that one is forbidden, by a tree, from fertilizing its roots, nor removing stones from it, nor fumigate it? It is from the instructive form of the verse: Your field you shall not . . . your vineyard you shall not . . . which indicates that no manner of work in your field (should be done); no manner of work in your vineyard. Am I might have thought that one may not hoe under the olive trees, nor hoe under the grapevines, nor fill the open gaps (under the trees) with water, nor make ditches for the vines? There is the instructive wording of the text: Your field you shall not plant. Now, planting was already included in the general terms of the ordinance (against working the field during Shemittah); why then was it singled out? It is for the purpose of providing a comparison, that just as planting has the special quality of being a work common to field and vineyard, so is any other work that is common to field and vineyard forbidden. [Evidently, there are many other tolados that are forbidden!?!]

The Gemora answers: The prohibition is only Rabbinic and the Scriptural verses merely add support to the injunction. (3a2 – 3a3)

When Rav Dimi came from Eretz Yisroel to Bavel he stated: I heard the following Baraisa in Eretz Yisroel and I do not understand its meaning. It was taught in a Baraisa: You might think that one will incur lashes for transgressing the extension; there was a teaching that he does not. Rav Dimi

² It is permitted to hoe around the tree during Shemittah to ensure that the tree will not die or dry out. One is forbidden, however,

to hoe around the tree by softening and loosening the earth, as this would actually cause an improvement in the tree.

said: I do not know what the teaching was or what 'extension' the Baraisa was referring to.

Rabbi Elozar explained: When the Baraisa said 'extension,' it was referring to the transgression of plowing during Shemittah and that one should incur lashes if he transgresses this prohibition; there is a teaching that exempts one from receiving lashes for plowing based on the fact that the Torah lists specific labors that are subject to lashes and it does not include plowing.

Rabbi Yochanan said: When the Baraisa said 'extension,' it was referring to the days which the Rabbis added to Shemittah before Rosh Hashanah and the Baraisa teaches us that one who transgresses this injunction will not incur lashes.

What is meant by "the days prior to Rosh Hashanah"? The Gemora cites a Mishnah: Up to what date may plowing be done in a tree field in the pre-Shemittah year? Beis Shammai say: As long as it is for the benefit of the fruit; Beis Hillel say: until Shavuos. The Mishnah notes: and the practical effect of one ruling is much the same as that of the other. And up to what date may they plow a grain field in the pre-Shemittah year? Up to when the moisture ceases and as long as people plow for planting their squash and gourd beds. Rabbi Shimon said: If that is so, you have handed over the Torah for every individual to determine for himself the right time! Rather, a grain field, they may plow up to Pesach, and a tree field up to Shavuos.

Rabbi Shimon ben Pazi said in the name of Rabbi Yehoshua ben Levi, who said in the name of Bar Kappara: Rabban Gamliel and his Beis Din took a vote and nullified the previous decree, thus enabling the fields to be plowed until Rosh Hashanah of the Shemittah year.

Rabbi Zeira asked Rav Avahu or according to others, Rish Lakish asked Rabbi Yochanan: How could Rabban Gamliel annul a decree of Beis Shamai and Beis Hillel? Have we not learned in a Mishnah (Eduyos 1:5) that a Beis Din is not able

to abolish the ordinances of its colleagues unless they are greater than the first Beis Din in wisdom and in numbers?

He was bewildered for a moment and then answered: Beis Shammai and Beis Hillel stipulated that whoever wants to nullify this decree in the future may do so.

The Gemora asks: Were Beis Shammai and Beis Hillel the ones who issued the decree regarding the days before the Shemittah year; is it not true that this was actually a halachah transmitted to Moshe at Sinai? For Rabbi Assi said in the name of Rabbi Yochanan citing Rabbi Nechunia from the valley of Bais Choron that the permission to plow a field with ten saplings until Shemittah, the use of aravah on Sukkos in the Bais Hamikdash, and water libations are all halachos transmitted orally to Moshe at Mt. Sinai.

Rabbi Yitzchak answers: The law regarding thirty days before Rosh Hashanah was transmitted to Moshe at Sinai and Beis Shammai and Beis Hillel came and established that the prohibition begins from Pesach or Shavuos, and they stipulated that whoever wants to nullify this decree in the future may do so. (3b1 – 3b3)

INSIGHTS TO THE DAF

WOMEN PLOWING DURING SHEMITTAH

The Gemora presents a dispute between Rabbi Yochanan and Rabbi Elozar whether one would incur the thirty-nine lashes if he would plow during Shemittah. Rashi (2b) states that there is a positive commandment which forbids plowing on Shemittah. It is written [Shmos 34:21]: *From plowing and harvesting you shall desist*. The point of contention between the two Amoraim is if there is a negative commandment as well.

The Rambam in Hilchos Shemittah rules that one who plows during Shemittah does not incur the thirty-nine lashes. Kesef Mishnah explains: Since in our Gemora, it was left

ambiguously regarding which Amora held what, we cannot administer the lashes when there is uncertainty.

Sha'ar Hamelech in the beginning of Hilchos Shemittah writes that the Yerushalmi in Shabbos (7:2) states that Rabbi Yochanan is the one who maintains that he does not receive the lashes and the rule is that when Rabbi Yochanan and Rabbi Elozar argue, the halachah is in accordance with Rabbi Yochanan.

Minchas Chinuch (112) comments that women are obligated in this mitzvah even though it is a positive commandment that has a time element to it and the principle is that women are exempt from any positive mitzvah which is governed by time. He explains that this is applicable only regarding a positive mitzvah that is incumbent on the body of the person and not a mitzvah like Shemittah, which is a mitzvah that is dependent on the land (*mitzvos hateluyos ba'aretz*).

Proof to this is cited from the Ritva in Kiddushin (29a). The Gemora rules based on a Scriptural verse that women are not obligated to perform a circumcision on their sons. Tosfos asks: Why is a possuk necessary; circumcision is a positive mitzvah which is governed by time since the mitzvah can only be performed by day, and women are exempt? The Ritva answers: Any mitzvah which is not related to the person themselves; this principle does not apply. The mitzvah of milah is to perform the circumcision on the son and therefore women would be obligated if not for the special verse teaching us otherwise.

DAILY MASHAL

Shemittah – Two Aspects

The *mitzvah* of *Shemittah* is introduced to us in *Parshas Behar* with the phrase, "*veshavsa haaretz Shabbos laHashem*." The land rests for Hashem. Clearly this is the aspect of *Shemittah* which is *bein adam lamakom*. Yet, *shemittah* is presented also as a *mitzvah bein adam lachaveiro*. All produce is ownerless during *Shemittah*. The

poor and rich eat together. The differences between the classes in society disappear as all enjoy the fruit of the land equally. This dual aspect of *Shemittah* being both a *Shabbos Lashem* as well as a way of bringing people together conjures up the same image as does the weekly *Shabbos*. It is a day of *zecher lemaaseh breishis* as well as "*vayinafesh ben amascha vehager*" - a time when all members of society rest together.