

*Daf Digest for the month of Av is dedicated*

ל"ג ר' מנחם מנדל בן ר' יוסף יצחק אייזיק כ"ז מנחם אב תשס"ו בעל המחבר "עטרת אבי" על מסי ביצה ומו"ק מאת משפחת קאהן

## OVERVIEW of the Daf

### 1) Weeding and watering on Shabbos (cont.)

Rava cites a source that toldos melacha are not prohibited during the Shemittah year.

The assertion that only toldos are prohibited is unsuccessfully challenged.

The statement of the Baraisa that hoeing is permitted during Shemittah is unsuccessfully challenged by explaining that there are two types of hoeing.

### 2) Plowing during Shemittah

R' Yochanan and R' Elazar dispute whether there is a Biblical prohibition against plowing.

One way to explain the dispute is rejected in favor of another which returns the Gemara to the discussion of whether the Torah prohibited toldos during the Shemittah year.

R' Dimi cites a Baraisa that by his own admission he cannot explain.

R' Elazar suggests an explanation that relates to plowing.

### 3) Plowing before the Shemittah year

R' Yochanan offers a different explanation, one that relates to the days leading up to Shemittah that are included in the restriction of Shemittah.

The Gemara cites the Mishnah in Shevi'is that teaches the laws about the days leading up to Shemittah that are included in the restriction of Shemittah.

It is reported that R' Gamliel and his Beis Din nullified the rulings that restrict plowing in the days that lead up to Shemittah.

The report is unsuccessfully challenged and in the discussion the Gemara recounts the progression of the restriction of plowing in the days leading up to the Shemittah year.

The assertion that the restriction against plowing in the thirty days leading up to Shemittah is Halacha L'Moshe M'Sinai is challenged. ■

## Distinctive INSIGHT

### *Lashes for plowing on Shemitta*

תולדות לא אסר רחמנא...אתולדה אחרינא לא מחייב

The Mishnah allows watering a "בית השלחין—thirsty field" on Shemittah, as it did on Chol Hamoed. The Gemara finds this puzzling, because watering a field is certainly a form of either planting (according to Rabba) or plowing (according to R' Yosef). Either way, this is a prohibited activity on Shabbos, and it should therefore be prohibited on Shemittah. The Gemara answers by clarifying the rule regarding the laws of Shabbos vis-à-vis the laws of Shemittah. All agricultural activities are prohibited on Shabbos. This includes avos—actions which are primary, as defined by Rashi as those which occurred in the Mishkan, as well as secondary actions—תולדות—which are similar to the avos in purpose and concept, but which technically did not take place in construction of the Mishkan. On Shemitta, however, only avos activities are prohibited, but תולדות are permitted. The only exception to this rule is pruning, the only תולדה listed in the Torah explicitly.

Later on the daf, whether lashes are administered to one who plows on Shemittah is the subject of a dispute between Rav Yochanan and R' Elazar. The Gemara explains that the opinion which exempts plowing from lashes maintains that the only cases of תולדות which get lashes are those which are listed explicitly, pruning and harvesting (grapes). Plowing is only a תולדה, and it is not listed in the Torah by Shemittah, so it is exempt. Maharsha notes that although pruning is understandably a תולדה of planting (זורע), plowing is clearly an אב in regard to Shabbos. Nevertheless, our Gemara refers to it as only a תולדה in reference to Shemittah, because in the context of Shemittah, plowing is not written explicitly. Sfas Emes adds that earlier, the Gemara had said that actions which are תולדות on Shabbos are not prohibited on Shemittah (לא אסר). However, here, the Gemara changes its expression, and it says that plowing, which is a תולדה is not liable (לא מחייב). This indicates that the words of Maharsha are accurate. Plowing is an אב in reference to Shabbos, but it is a תולדה in reference to Shemittah, in that it is not explicitly written in the verse. Accordingly, it is prohibited on Shemittah, but not liable for lashes (according to the one who exempts the תולדות). ■

## HALACHAH Highlight

### Living in Spain

אמר ליה אימור כך התנו ביניהן כל הרוצה לבטל יבוא ויבטל

*He responded: I will say that [at the time of the original enactment] they stipulate that whoever wants to nullify the decree may come and nullify the decree.*

Tosafos<sup>1</sup> explains that Beis Shammai and Beis Hillel were concerned that at some time in the future the land would be weakened and would not produce its crop without plowing at their designated times. Therefore, out of concern for the potential loss to the public, they stipulated that future generations would have the authority to overturn their enactment.

Rabbeinu Yehudah HaChassid<sup>2</sup> records a similar concern in a different context. There was once a wicked ruler who made a concerted effort to convert all of the Jews under his authority away from practicing Judaism. The Jews were forced to flee from this area and the members of these communities wanted to issue a ban (חרם) to prevent any future generations from living in that area. The wise man (חכם) of the community advised against issuing this ban because it would prove to be a stumbling block for future generations who would want to move into the region. He advised that the ban should only remain in place while the wicked ruler was alive and it should not extend indefinitely.

Rav Ovadiah Yosef<sup>3</sup> employs a similar logic when addressing the issue of living in Spain. He writes that, according to legend, when the Jews were forced to leave Spain during the time of the Inquisition they created a ban against returning to Spain. Rav Yosef cites sources that note that the Abarbanel and Rav Yosef Karo, both of whom were alive during that time, do not mention

## REVIEW and Remember

1. When is hoeing permitted during Shemittah?

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2. What is the point of dispute concerning plowing during Shemittah?

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3. When does one stop plowing in the year leading up to the Shemittah year?

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4. Why was it permitted for R' Gamliel to overturn a previous enactment?

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the existence of such a ban. This makes the legend suspect. Additionally, even if one were to be concerned that such a ban was created, there are sufficient issues of doubt that permit one to visit the country. The doubts are: 1) Maybe a ban was never instituted, and even if it was, 2) perhaps it only applied to those who were expelled, and even if the ban included future generations, 3) perhaps it only applied to their descendants etc. Rav Yosef explains the reason there is the distinct possibility that a ban was never issued. Any enactment involves a concern similar to the thought expressed in our Tosafos, and the case of Rabbeinu Yehudah HaChassid, about creating an enactment that could ultimately become a stumbling block for future generations. ■

1. תוס' ד"ה כל הרוצה.
2. ספר חסידים סי' תכ"ד ועי' במקור חסד שם.
3. שו"ת יביע אומר ח"ז יו"ד סי' י"ד. ■

## STORIES Off the Daf

### The Belzer Rebbe's Garden

"החורש בשביעית... חד אמר לוקה וחד אמר לא לוקה..."

Today's daf discusses the mitzvos of Shemittah at length.

Rav Aharon of Belz, zt"l, decided to settle in Tel Aviv. It was always his practice to spend a great deal of time immersed in his spiritual preparation for davening. In general, that involved learning a large amount in an enthusiastic voice, and he generally stood the entire time. One of his daily sedarim was to learn Masseches Berachos from cover to cover! He never wasted time on mundane matters since he was always busy either learning, davening, or

helping people by offering advice or his blessings. For this reason, it came as a big surprise to his followers when shortly after settling in, the Rebbe asked his assistants to arrange for the planting of a garden near his home for his private use. He specified that the garden should contain trees, vegetables, and flowers. This seemed very uncharacteristic of a tzaddik who was so particular about not wasting a single moment, or ever casting a frivolous glance. Those assistants well remembered the Rebbe's response to a doctor who asked that he gaze at the sky to enable him to examine the Rebbe's eyes. "My whole life I have never looked out of my immediate vicinity, and I don't plan on changing for the worse at this late date! I am afraid that you will have to forgo this."

What, then, could such a kadosh

want with a garden?

But since the Rebbe had made his request, the gabbaim made sure that a splendid garden was planted, replete with fruit, trees, and flowers as ordered.

After several years, the garden grew lushly with every possible source of delight. The Rebbe announced, "This year is Shemittah. It is time to publicly declare its fruits ownerless." He took the time to carefully explain to the workers who tended the garden that since this year is Shemittah, it was forbidden for them to work there.

The Rebbe's actions had the effect that he had hoped for when he first came to Tel Aviv. A wonderful kiddush Hashem was generated, and many who had never meant to do so were encouraged to observe the halachos of Shemittah! ■