

NOTES

**You count the fiftieth year** – שְׁנַת חֲמִשִּׁים אֶתָּה מוֹנֶה: This dispute over how to count the Jubilee Year is one of the issues that come up with regard to the question of calculating the Sabbatical Year. Most authorities rule in accordance with the opinion of Rabbi Yehuda, and their counting is as follows: Every seventh year is a Sabbatical Year. On the other hand, the Rambam and the *ge'onim* ruled in accordance with the opinion of the Rabbis, according to which after every seven cycles there is an extra Jubilee Year. However, they disagree as to when the additional fiftieth year for the Jubilee Year is actually counted: Does it continue at all times, or only when the Jubilee Year is actually observed? Alternatively, perhaps it is counted whenever the Temple is standing, although the Jubilee Year was not observed throughout the Second Temple period. In the Jerusalem Talmud, an opinion is brought that the Jubilee Year is counted from the fifty-first year of the previous cycle, like the opinion of the Rabbis, but independently of the Sabbatical cycles, so that it is possible for the Jubilee Year to fall out in the middle of a Sabbatical cycle (see Rosh on tractate *Kiddushin*).

**Harvesting of the Sabbatical Year going into the year that follows the Sabbatical Year** – קָצִיר שָׁל שְׁבִיעִית הַיּוֹצֵא לְמוֹצָאֵי – שְׁבִיעִית: *Tosafot* and others explain that, according to the derivation of the verse, it is prohibited to eat produce of the Sabbatical Year, both that which grew on its own [*sefifin*] and that which was cultivated in a prohibited manner, even during the eighth year. Some early authorities argue that this derivation is unnecessary, as the *halakha* it teaches is included in the prohibition against *sefifin*, which is learned from another verse. They understand that the intention here is to prohibit agricultural work during the eighth year on plants that began to grow in the Sabbatical Year (Rashba; Ran; Ritva).

וְרַבְנָן: שְׁנַת חֲמִשִּׁים אֶתָּה מוֹנֶה, וְאִי אֶתָּה מוֹנֶה שְׁנַת חֲמִשִּׁים וְאַחַת. לְאַפּוֹקֵי מִדְּרַבֵּי יְהוּדָה, דְּאָמְרִי: שְׁנַת חֲמִשִּׁים עוֹלָה לְכָאן וּלְכָאן. קָא מְשַׁמַּע לֵן דְּלָא.

וְדוֹמְסִימִין מַחוּל עַל קִדְשׁ מִנְלָן?

דְּתַנְיָא: “בְּחֶרֶשׁ וּבְקָצִיר תִּשְׁבּוֹת” – רַבִּי עֲקִיבָא אָמַר: אֵינּוּ צְרִיךְ לִזְמַר חֶרֶשׁ וְקָצִיר שָׁל שְׁבִיעִית – שְׁהָרִי כְּבָר נֵאֻמַּר: “שְׂדֶךְ לֹא תִזְרַע” וְגו’. אֶלָּא: חֶרֶשׁ שָׁל עֶרֶב שְׁבִיעִית הִנְכַּס לְשְׁבִיעִית, וְקָצִיר שָׁל שְׁבִיעִית הַיּוֹצֵא לְמוֹצָאֵי שְׁבִיעִית.

**And the Rabbis**, who do not require an additional verse to derive that the Jubilee Year does not extend until Yom Kippur of the fifty-first year, derive a this *halakha* from the verse: **You count the fiftieth year<sup>NH</sup>** as the Jubilee Year alone, **but you do not count the fiftieth year** as the Jubilee Year **and** also as the **first year** of the next Sabbatical cycle. This *halakha* comes to **exclude** the opinion of **Rabbi Yehuda**, who said that **the fiftieth year is counted for here and for there**, both as the Jubilee Year and also as the first year of the next Sabbatical cycle. **Lest** someone think that that is the case, **therefore, the verse teaches us that this is not so**; rather, the fiftieth year is the Jubilee Year, and the following year is the first year of the next Sabbatical cycle.

Ⓢ **Apropos** of the discussion of extending the Jubilee year, the Gemara asks: **From where do we derive the principle that one extends a sanctified time period by adding from the profane to the sacred at both ends?**

As it is taught in a *baraita*: The verse states: **“In plowing and in harvest you shall rest”** (Exodus 34:21). **Rabbi Akiva says: It is unnecessary to state this about plowing and harvesting during the Sabbatical Year, as it is already stated:** “But in the seventh year shall be a Shabbat of solemn rest for the land, a Shabbat for the Lord; you shall neither sow your field, nor prune your vineyard” (Leviticus 25:4). **Rather, the verse:** “In plowing and in harvest you shall rest,” is referring to **plowing in the year preceding the Sabbatical Year<sup>H</sup> going into the Sabbatical Year**, i.e., plowing in the sixth year that will benefit the crops growing in the Sabbatical Year, **and about harvesting of the Sabbatical Year going into the year that follows the Sabbatical Year<sup>NH</sup>**, i.e., harvesting grain that grew in the Sabbatical Year in the eighth year. This teaches that there is a requirement to add extra time to the sanctity of the Sabbatical Year, and not work the land both before and after.

HALAKHA

**You count the fiftieth year** – שְׁנַת חֲמִשִּׁים אֶתָּה מוֹנֶה: According to most commentaries (*Tosafot*; Ran; Ritva; Rabbeinu Tam), the *halakha* is in accordance with the opinion of Rabbi Yehuda, since the talmudic discussion in various places seems to follow his opinion. According to this opinion, the Sabbatical Years are counted in order, without an additional fiftieth year for the Jubilee Year (*Shulhan Arukh, Yoreh De’a* 31:74).

**Plowing in the year preceding the Sabbatical Year** – חֶרֶשׁ שְׁבִיעִית: It is prohibited to perform any agricultural actions that encourage growth thirty days before the onset of the Sabbatical Year. The Sages added a decree extending this prohibition, for some actions to *Shavuot* and for others to *Passover*. The prohibition of agricultural work thirty days before *Rosh HaShana* is categorized as a *halakha* transmitted to Moses from Sinai. This is the case only while the Temple stood. After the destruction of the Temple, the Sages canceled

the rabbinic decrees extending the prohibition to earlier dates. They also discontinued the thirty-day period and required that one refrain from agricultural work only a minimum time before the onset of the Sabbatical Year (*Hazon Ish; Rambam Sefer Zera’im, Hilkhhot Shemitta VeYovel* 3:1).

**Harvesting of the Sabbatical Year going into the year that follows the Sabbatical Year** – קָצִיר שָׁל שְׁבִיעִית הַיּוֹצֵא לְמוֹצָאֵי – שְׁבִיעִית: According to most authorities, it is prohibited to eat the produce that grew in the Sabbatical Year at all, even after the Sabbatical year has passed. They do not distinguish between *sefifin*, produce that grew on its own, and produce that was cultivated in a prohibited manner. The Rambam holds that there is no prohibition whatsoever against working the land during the eighth year (see *Hazon Ish; Rambam Sefer Zera’im, Hilkhhot Shemitta VeYovel* 2:13).

**קצירת הֶעֱוֹמֵר בַּשַּׁבָּת** – Harvesting the *omer* during the Sabbatical Year – **הָעֹמֵר בַּשַּׁבָּת**: Even on Shabbat, the *omer* is harvested in the normal manner, as this harvesting was never included in the Torah's prohibition of labor on Shabbat (Rambam *Sefer Avoda, Hilkhot Temidin UMusafin* 7:6).

**תוספת יום הכיפורים – Extension of Yom Kippur**: There is a Torah obligation to extend the sacred into the profane with regard to the afflictions of Yom Kippur. Therefore, one must stop eating prior to the onset of twilight. Since most commentaries understand that twilight begins at sunset, one must stop eating before sunset. Similarly, one must stop performing labor at that time, since, according to most authorities, with the exception of the Rambam, this too involves a Torah prohibition (*Shulhan Arukh, Orah Hayyim* 608:1).

**תוספת שבתות וימים – Extension of Shabbat and Festivals** – **טובים**: One must add time from the profane to the sacred on Shabbat. According to many authorities, this is a mitzva by Torah law. Therefore, one must add a bit of time to Shabbat before sunset. The minimum requirement is to add only a few minutes. Some say that the measure of time that should be added is four minutes (*Shulhan Arukh HaRav*); the custom is to add more. The custom in most communities is to accept the mitzvot of Shabbat eighteen minutes before sunset. In Jerusalem, they add forty minutes before sunset (*Shulhan Arukh, Orah Hayyim* 261:2). So too, at the conclusion of Shabbat and Yom Tov, one must add a bit of time after the emergence of the stars, waiting until three medium-sized stars or three stars close to one another appear (*Shulhan Arukh, Orah Hayyim* 293:1).

BACKGROUND

**עומר – Omer**: An *omer* is actually a measure of grain, one-tenth of an ephah. This term is used to refer to the measure of barley sacrificed in the Temple on the sixteenth of Nisan, the second day of the festival of Passover (see Leviticus 23:9). The offering was brought irrespective of whether the sixteenth of Nisan was a Shabbat or a weekday. Newly ripened barley was harvested on the night following the first day of Passover and prepared as roasted flour. A handful of it was burned on the altar; the rest was eaten by the priests. In addition to the *omer*, a male sheep was sacrificed as a burnt-offering, together with a wine libation and two-tenths of an ephah of wheat flour as a meal-offering. Once the *omer* had been brought, grain from the new harvest could be eaten.



Preparation of the *omer* offering

**רבי ישמעאל אומר: מה חריש רשות, אף קציר רשות, יצא קציר העומר שהוא מצוה.**

The *baraita* continues: **Rabbi Yishmael says** that the verse: “In plowing and in harvest you shall rest,” is not referring to the prohibition against farming the land during the Sabbatical Year as Rabbi Akiva explains. Rather, he interprets it according to the simple meaning of the verse, as referring to the prohibition against performing labor on Shabbat. The reason that the verse mentions these two particular forms of labor is to teach that **just as the type of plowing that is prohibited during the Sabbatical Year is an otherwise voluntary act,<sup>N</sup> as plowing is never required by the Torah, so too, the harvesting that is prohibited during that year is only voluntary harvesting.** This comes to **exclude the harvesting of the *omer*<sup>HB</sup>** from the prohibition, as it is a **mitzva**. The barley for the *omer* must be harvested on the sixteenth of Nisan. Consequently, it is permitted to harvest the *omer* even during the Sabbatical Year.

**ורבי ישמעאל, מוסיפין מחול על קדש מנא ליה? נפקא ליה מדתנא: “ועניתם את נפשותיכם בתשעה.” יכול בתשעה? תלמוד לומר: “בערב.” אי בערב, יכול משתחשך? תלמוד לומר: “בתשעה.” הא כיצד? מתחיל ומתענה מבעוד יום. מלמד שמוסיפין מחול על קדש.**

The Gemara asks: If so, **from where does Rabbi Yishmael derive this principle that one extends a sacred time period by adding from the profane to the sacred both before and after?** The Gemara answers: **He derives it from that which is taught in a *baraita*:** The verse states, in reference to Yom Kippur: “**And you shall afflict your souls on the ninth of the month in the evening**” (Leviticus 23:32). One might have thought that one must begin to fast the entire day **on the ninth of the month.<sup>N</sup> Therefore, the verse states: “In the evening.”** But if it is so that Yom Kippur begins in the evening, one might have thought that one need only begin to fast **from when it is dark, after nightfall, when the tenth day of the month begins. Therefore, the verse states: “On the ninth.”** How so; how is this to be accomplished? **One begins to fast on the ninth of the month while it is still day. This teaches that one extends a sacred time period by adding at the beginning from the profane to the sacred.**

**אין לי אלא בכניסתו. ביציאתו מנין? תלמוד לומר: “מערב עד ערב.”**

From here I have derived **only** that this addition is made **at the beginning** of Yom Kippur. But **from where** do I derive that a similar addition is made **at the end** of Yom Kippur? **The verse states: “From evening to evening<sup>N</sup> shall you rest on your Shabbat**” (Leviticus 23:32), which teaches that just as Yom Kippur is extended at the beginning, so too, it is extended at the end.<sup>H</sup>

**אין לי אלא יום הכפורים. שבתות מנין? תלמוד לומר: “תשבתו.” ימים טובים מנין? תלמוד לומר: “שבתכם.” הא כיצד? כל מקום שיש בו שבות – מוסיפין מחול על קדש.**

From here I have derived **only** that an extension is added to **Yom Kippur. From where** is it derived that one must also extend **Shabbat? The verse states: “You shall rest [tishbetu],”** which is referring to Yom Kippur but alludes to Shabbat. **From where** do I know that the same applies to **Festivals? The verse states: “Your Shabbat [shabbatkhem],”** your day of rest. **How so? Wherever there is a mitzva of resting, be it Shabbat or a Festival, one adds from the profane to the sacred, extending the sacred time at both ends.<sup>H</sup>**

NOTES

**Just as plowing is a voluntary act – מה חריש רשות:** The verse: “Six days you shall work, but on the seventh day you shall rest; in plowing and in harvest you shall rest” (Exodus 34:21), seems to be referring explicitly to Shabbat. However, Rabbi Akiva holds that the simple meaning of the verse cannot be referring to resting on Shabbat, as the prohibition against performing labor on Shabbat is already stated elsewhere. Therefore, this verse must be understood as referring to the Sabbatical Year. It teaches that even during a year that is called “a Shabbat for the Lord,” (Leviticus 25:4), there is nevertheless a mitzva to rest on Shabbat. The second part of the verse: “In plowing and in harvest you shall rest,” is referring to the entire year, even weekdays. From this verse, he derives the requirement to add from the profane to the sacred. However, Rabbi Yishmael explains that this addition is not derived from the verse; rather, it is a *halakha* transmitted to Moses from Sinai. He understands that the simple meaning of the verse is referring to Shabbat, and it teaches that the prohibition against working applies only to plowing and harvesting that are similar to each other, i.e.,

voluntary, but reaping that is a mitzva, i.e., reaping the barley for the *omer* offering, is permitted, as are other actions related to the Temple service.

**יכול – One might have thought on the ninth of the month – בתשעה:** The Ritva asks: How could one have thought that Yom Kippur should occur on the ninth of Tishrei when the Torah states explicitly that it occurs on the tenth? He answers that one might have thought that the mitzva of affliction should be observed on the ninth, while the tenth is the holiday of Yom Kippur.

**From evening to evening – מערב עד ערב:** According to Rashi, the derivation is from the words “until evening.” The word “until” is understood as an inclusive term including the evening, and “evening” includes both the twilight period and the hours of night. Alternatively, the *halakha* is derived by analogy: Just as the day is extended at the beginning, so too, it must be extended at the end.

NOTES

And Rabbi Akiva – רבֵי עֲקִיבָא: The commentaries point out that from the verse referring to the Sabbatical Year, Rabbi Akiva could have learned only about the prohibition against working, but he could not derive any halakha with regard to the extension of affliction on Yom Kippur. He may have learned this by way of an a fortiori argument: Since there is a requirement to extend the sacred time into the profane, this extension must apply to all of the halakhot relating to the sanctity of the day.

HALAKHA

Whoever eats and drinks on the ninth – כָּל הָאוֹכֵל וְשׂוֹתֵה: There is a mitzva to eat a large meal on the day before Yom Kippur. Some say that it is a mitzva by Torah law (Shulhan Arukh, Orah Hayyim 604:1).

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As though he fasted on both the ninth and the tenth – כְּאִילוֹ הִתְעַנָּה תְּשִׁיעִי וְעִשְׂרִי: The early authorities note that this does not mean that one who fasts on both days is praiseworthy, since there is no mitzva to do so. Rather, it is considered as though there were a mitzva to fast on both days and he did so (Tosafot; Ran). Some explain that one who eats on the ninth is considered to have fasted on the ninth and the tenth because eating on the ninth aids the fasting on the tenth, and therefore it is considered part of the fast. In similar fashion, the Meiri writes that since one eats in order to be able to afflict himself the following day, it is considered as though he afflicted himself on both days. Others understand that the mitzva to eat stems from the sanctity of Yom Kippur. By right, Yom Kippur should be a day of celebration with food and drink, as are all the other Festivals. However, since it is prohibited to eat and drink on that day, the Yom Kippur feast is eaten on the previous day (Ritva, citing Rabbeinu Yona).

It shall be a Jubilee – יוֹבֵל הֵיא: The early authorities write that if the indispensable mitzvot of the Jubilee Year are not observed, the prohibition against working the land does not apply (Rashi; Meiri). The author of the Turei Even holds that if the indispensable mitzvot were not performed, all of the mitzvot relating to the Jubilee Year are canceled (see Penei Yehoshua and Minhag Hinukh).

Although they did not release property [shamtu] – אֵף עַל – פִּי שְׂלֵא שְׁמַטּוּ: Most commentaries understand this release as referring to the return of ancestral land to their original owners. In the Jerusalem Talmud, an opinion is cited that maintains that it is referring to the cancellation of cash debts. The commentary attributed to the Rambam seems to understand the term shamtu as related to the term used to refer to the Sabbatical Year, shemitta, and the meaning is to refrain from working the land.

This is given over to the court – יוֹ מְסוֹרָה לְבֵית דִּין – The Rashba asks: Why did they not count the release of land among the things that are impossible not to occur, since according to Rabbi Yohanan's opinion, all heirs return their shares on the Jubilee Year and then redivide the estate? The Rashba answers that this indeed is the halakha, but the Gemara found it unnecessary to mention that here (see Ritva).

וְרַבֵּי עֲקִיבָא, הָאִי וְעִנִּיתֶם אֶת נַפְשׁוֹתֵיכֶם בְּתַשְׁעָה מָאִי עֲבִיד לִיהָ? מִיבַעֲי לִיהָ לְכַדְתֵּי חֵיִיא בַר רַב מְדַפְתֵּי, דְּתֵי חֵיִיא בַר רַב מְדַפְתֵּי: וְעִנִּיתֶם אֶת נַפְשׁוֹתֵיכֶם בְּתַשְׁעָה. וְכִי בְּתַשְׁעָה מְתַעֲנִין? וְהֲלֹא בְּעִשְׂרֵי מְתַעֲנִין! אֶלְא לֹאמַר לָךְ: כָּל הָאוֹכֵל וְשׂוֹתֵה בְּתַשְׁעֵי – מַעֲלָה עָלָיו הַכְּתוּב

The Gemara asks: And Rabbi Akiva,<sup>N</sup> who learns that one adds from the profane to the sacred from the verse dealing with the Sabbatical Year, what does he do with this verse: “And you shall afflict your souls on the ninth of the month in the evening”? The Gemara answers: He requires it for that which was taught by Hiyya bar Rav of Difti, as Hiyya bar Rav of Difti taught the following baraita: The verse states: “And you shall afflict your souls on the ninth of the month.” Is the fasting on the ninth? But isn’t the fasting on Yom Kippur on the tenth of Tishrei? Rather, this verse comes to teach you: Whoever eats and drinks on the ninth,<sup>H</sup> thereby preparing himself for the fast on the next day, the verse ascribes him credit

כְּאִילוֹ הִתְעַנָּה תְּשִׁיעִי וְעִשְׂרִי.

תֵּנוּ רַבְנָן: יוֹבֵל הֵיא אֵף עַל פִּי שְׂלֵא שְׁמַטּוּ, אֵף עַל פִּי שְׂלֵא תְקַעוּ. יְכוּל אֵף עַל פִּי שְׂלֵא שְׁלַחוּ. תְּלַמּוּד לֹאמַר: “הֵיא”, דְּבַרֵי רַבֵּי הַיּוֹדָה.

as though he fasted on both the ninth and the tenth.<sup>N</sup>

רַבִּי יוֹסֵי אוֹמַר: “יוֹבֵל הֵיא” אֵף עַל פִּי שְׂלֵא שְׁמַטּוּ, אֵף עַל פִּי שְׂלֵא שְׁלַחוּ. יְכוּל אֵף עַל פִּי שְׂלֵא תְקַעוּ. תְּלַמּוּד לֹאמַר: “הֵיא”.

The Gemara continues with the topic of the Jubilee Year. The Sages taught in a baraita: The verse states: “And you shall hallow the fiftieth year, and proclaim liberty throughout all the land to all its inhabitants; it shall be a Jubilee for you” (Leviticus 25:10). The words “it shall be a Jubilee”<sup>N</sup> come to teach that although they did not release property<sup>N</sup> to its original owners, and although they did not sound the shofar, it is nevertheless a Jubilee Year, and the halakhot of the Jubilee year apply. One might have thought that although they did not send free the slaves it is also still a Jubilee Year. Therefore, the verse states: “It shall be,” this being a term of limitation. This teaches that at least one of the essential halakhot of the year must be observed, and if not, it is not a Jubilee Year. This is the statement of Rabbi Yehuda.

וְכִי מֵאַחַר שְׁמִקְרָא אֶחָד מִרְבֵּה וּמְקָרָא אֶחָד מִמֵּעֵט, מִפְּנֵי מָה אֲנִי אוֹמַר יוֹבֵל הֵיא אֵף עַל פִּי שְׂלֵא שְׁלַחוּ וְאִין יוֹבֵל אֶלְא אִם כֵּן תְּקַעוּ? לְפִי שְׂאִפְשֵׁר לְעוֹלָם בְּלֹא שִׁילוּחַ עֲבָדִים, וְאִי אִפְשֵׁר לְעוֹלָם בְּלֹא תְקִיעַת שׁוֹפָר.

Rabbi Yosei says: “It shall be a Jubilee for you”; although they did not release property to its original owners, and although they did not send free the slaves, it is nevertheless a Jubilee Year. One might have thought that although they did not sound the shofar, it is also still a Jubilee Year. Therefore, the verse states: “It shall be.” Some act must be performed. In this case, the shofar must be sounded, otherwise it is not a Jubilee Year.

דְּבַר אַחֵר: זֶה מְסוֹרָה לְבֵית דִּין, וְזוֹ אֵינָה מְסוֹרָה לְבֵית דִּין.

Rabbi Yosei explains his position: Since one verse includes situations where the Jubilee is in force, and another verse excludes such situations, for what reason do I say that it is a Jubilee Year although they did not send free the slaves, but it is a Jubilee Year only if they sounded the shofar? This is since it is possible that there would be no sending free of slaves, as perhaps no one has any slaves to release, but it is impossible that there would be no sounding of the shofar, as a shofar can always be found. Therefore, it must be that it is the sounding of the shofar that is the indispensable criterion for the Jubilee Year.

Alternatively: This, sounding the shofar, is given over to the court,<sup>N</sup> which is obligated to blow it. But that, setting the slaves free, is not given over to the court but to each individual slave owner. It stands to reason that the indispensable criterion is one that is in the hands of the court and not in the hands of individuals.



There should not be one at the end of the world – לִיכָא – תַּד בְּסוּף הָעוֹלָם: The commentaries disagree with regard to what it means that the emancipation of slaves is an indispensable element of the Jubilee Year. Does this mean that if the slaves were not emancipated, the Jubilee Year does not apply? Or, does it mean that if there are no Hebrew slaves and therefore no possibility of liberating them, the Jubilee Year does not apply (see *Minhat Hinukh* and *Sefat Emet*)?

## LANGUAGE

Like a man who dwells [*medayyer*] in any dwelling [*dayyara*] – כַּמְדַּיֵיר בֵּי דַיָּרָא: There are various readings of this expression. The author of the *Arukh* reads: *Ki meduar dayara*, which he connects to the root of the term *doar*, meaning one who carries and moves things, i.e., a postman. Therefore, the expression means: In the manner that they move the post and packages from place to place. The author of the *Yalkut Shimoni* seems to explain it in the sense of *bei dara*, a threshing floor, where chaff is winnowed and moved off of the grain. Others explain it in the sense of a sheep pen [*dir*], where one moves sheep from place to place.

מאי דבר אחר? וכי תימא: אי אפשר דליכא חד בסוף העולם דלא משלח, זו – מסורה לבית דין, זו – אינה מסורה לבית דין.

בשלמא לרבי יוסי – בדקאמר טעמיה. אלא לרבי יהודה מאי טעמא? אמר קרא: "וקראתם דור בארץ", וקסבר: מקרא נדרש לפני ולא לפני פניו.

דכולי עלמא דרור לשון חירות. מאי משמע? דתנא: אין דרור אלא לשון חירות. אמר רבי יהודה מה לשון דרור? כמדוייר בי דיארא, ומוביל סחורה בכל מדינה.

אמר רבי חייא בר אבא אמר רבי יוחנן: זו דברי רבי יהודה ורבי יוסי אבל חכמים אומרים: שלשתן מעכבות בו. קסברי: מקרא נדרש לפני ולא אחרי.

והכתוב: "ויביל"!! ההוא דאפילו בחוצה לארץ. והכתוב: "בארץ"!! ההוא: בזמן שנוהג דור בארץ – נוהג בחוצה לארץ; בזמן שאינו נוהג בארץ, אינו נוהג בחוצה לארץ.

The Gemara asks: **What is the need for Rabbi Yosei to add: Alternately? Why is his first explanation insufficient?** The Gemara answers: It is necessary, as, **if you say that it is impossible that there should not be at least one slave owner at the end of the world,<sup>N</sup> and therefore it is inconceivable that there will ever be a time when there are no slaves that are set free, you can nevertheless say that this, sounding the *shofar*, is given over to the court, but that, setting the slaves free, is not given over to the court.**

The Gemara asks: **Granted, this is clear according to Rabbi Yosei, as he has stated his reasoning. But according to Rabbi Yehuda, what is the reason that the indispensable criterion for the Jubilee Year is sending free the slaves?** The Gemara explains: **The verse states: "And you shall proclaim liberty [*deror*] throughout all the land to all its inhabitants," and immediately afterward it says: "It shall be a Jubilee for you." And Rabbi Yehuda holds that a verse may be expounded in reference to the immediately preceding clause, but not in reference to the clause before that.** Therefore, the exclusion implied by the words "it shall be," is referring to what is stated in the immediately preceding clause: "And you shall proclaim liberty throughout all the land," i.e., the emancipation of slaves. It is not referring to what is stated in the clause before that: "On Yom Kippur shall you sound the *shofar* throughout all your land."

The Gemara asks: It is clear that **according to everyone** the term "*deror*" is a word meaning liberty. **From where may this be inferred?** The Gemara answers: **As it is taught in a *baraita*:** The word *deror* is a term meaning only liberty. **Rabbi Yehuda said: What is the meaning of the word *deror*? It is like a man who dwells [*medayyer*] in any dwelling [*dayyara*]<sup>L</sup> and moves merchandise around the entire country, i.e., he can live and do business wherever he wants.**

Rabbi Hiyya bar Abba said in the name of Rabbi Yoḥanan: **This is the statement of Rabbi Yehuda and Rabbi Yosei, but the Rabbis say: All three of them are indispensable<sup>M</sup> for the Jubilee Year: Releasing property, sounding the *shofar*, and liberating the slaves. They hold that a verse may be interpreted in reference to the immediately preceding clause, in reference to the clause before that, and it may also be interpreted in reference to the clause following it, as all of these *halakhot* are mentioned in this section, and the exclusion implied by the words "it shall be" applies to all of them.**

The Gemara asks: **But isn't it written "Jubilee Year,"** which is a term of inclusion that should counter the exclusionary function of the words: "It shall be"? The Gemara answers: **That term "Jubilee Year" comes to teach that the mitzva of the Jubilee applies even outside of Eretz Yisrael. The Gemara challenges: But isn't it written: "Throughout the land,"** implying that it applies only in Eretz Yisrael? The Gemara answers: **That term, "throughout the land," comes to teach that when liberation applies in Eretz Yisrael, it applies outside of Eretz Yisrael as well, and when liberation does not apply in Eretz Yisrael, it does not apply outside of Eretz Yisrael either.<sup>H</sup>**

## HALAKHA

שְׁלֹשֶׁתן מעכבות בו – In the Jubilee Year, if the *shofar* was not sounded, the slaves were not emancipated, or the fields were not released and returned to their original owners, it is not considered the Jubilee Year for other matters, e.g., the prohibition against working the land and the obligation to cancel monetary debts. This ruling is in accordance with the opinion of the Rabbis (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 10:13).

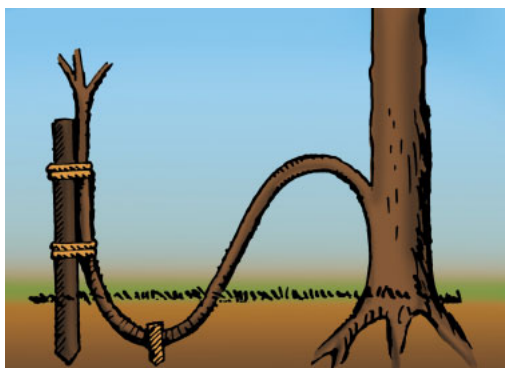
The Jubilee Year in Eretz Yisrael and outside of Eretz Yisrael – יִבֵּל בְּאֶרֶץ יִשְׂרָאֵל וּבְחוּצָהּ לְאֶרֶץ: If the mitzva of the Jubilee Year is not kept in Eretz Yisrael, and especially if ancestral lands are not released there to their original owners, then the *halakhot* of the Jubilee Year that normally apply outside of Eretz Yisrael are not in force (Rambam *Sefer Zera'im*, *Hilkhot Shemitta VeYovel* 10:8).

**HALAKHA**

The New Year for planting – ראש השנה לנטיעה – The first of Tishrei is the New Year for planting with regard to *orla* and fourth-year produce. If one planted a tree on the fifteenth of Av or earlier, allowing two weeks for the seedling to take root and an additional thirty days, it is considered as a full year for determining the years of *orla* and fourth-year produce. However, if one planted a tree after the fifteenth of Av, the tree's first year is counted from Rosh HaShana onward (*Shulhan Arukh, Yoreh De'a* 294:4).

**BACKGROUND**

Layering – הברכה: Various plants, especially grapevines, are propagated through the process of ground layering. A shoot of a vine is sunk into the ground, and then after the shoot begins to take root, it is cut off and separated from the mother plant.



Layered vine

“ולנטיעה” מנלן דכתביב: “שליש שנים... ערלים”, וכתביב: “ובשנה הרביעית” וילוף “שנה” “שנה” מתשרי, דכתביב: “מראשית השנה”.

ולנימר שנה שנה מניסן, דכתביב: “ראשון הוא לכם לחדשי השנה!” דנין שנה שאין עמה חדשים משנה שאין עמה חדשים, ואין דנין שנה שאין עמה חדשים משנה שיש עמה חדשים.

תנו רבנן: אחד הנוטע, אחד המבריך, ואחד המרכיב, ערב שבועית שלשים יום לפני ראש השנה – עלתה לו שנה, ומותר לקיימן בשבועית. פחות משלשים יום לפני ראש השנה – לא עלתה לו שנה, ואסור לקיימן בשבועית.

**S** The mishna teaches: **And** the first of Tishrei is the New Year for planting.<sup>1</sup> It determines the years of *orla*, the three-year period from when a tree has been planted during which time its fruit is forbidden. The Gemara asks: **From where do we derive this? As it is written:** “**Three years shall it be prohibited [arelim] to you; it shall not be eaten**” (Leviticus 19:23), **and it is written** in the following verse: “**And in the fourth year all its fruit will be sacred for giving praise to the Lord**” (Leviticus 19:24). **And it is derived** by way of a verbal analogy between one instance of the word “year” and another instance of the word “year” that for this purpose the year begins from Tishrei, as it is written with regard to Tishrei: “**From the beginning of the year**” (Deuteronomy 11:12).

The Gemara asks: **But let us derive** by way of a verbal analogy between one instance of the word “year” and another instance of the word “year” that for this purpose the year begins from Nisan, as it is written with regard to Nisan: “**It shall be the first month of the year to you**” (Exodus 12:2). The Gemara answers: The Sages derive the meaning of the word “year” as it appears in the verse about the *orla*, where months are not mentioned with it, from the word “year” as it appears in the verse in Deuteronomy above, where months are also not mentioned with it. **And they do not derive** the meaning of the word “year” where months are not mentioned with it from the word “year” as it appears in the verse where months are mentioned with it, i.e., “It shall be the first month of the year for you.”

The Sages taught in a *baraita*: **If one plants<sup>N</sup> a tree, or layers a vine shoot into the ground so that it may take root,<sup>B</sup> or grafts<sup>N</sup> a branch onto a tree on the eve of the Sabbatical Year thirty days before Rosh HaShana, as soon as Rosh HaShana arrives, a year is counted for him.** The thirty days count as a full year with regard to the prohibition of *orla*, and it is permitted to preserve the plant during the Sabbatical Year, as this is not considered new growth. However, if one performed these actions less than thirty days before Rosh HaShana, then when Rosh HaShana arrives, a year is not counted for him for *orla*, and it is prohibited to preserve the new growth during the Sabbatical Year.

**NOTES**

**If one plants** – אחד הנוטע – The early authorities disagree with regard to the *halakha* in this case. Rashi understands that it is prohibited to plant a tree less than thirty days before the beginning of the Sabbatical Year, due to the obligation to add from the profane to the sacred and extend the Sabbatical Year at the beginning and at the end. Rabbeinu Tam and the Rid explain that the planting itself is not prohibited, as the *halakha* of extending the Sabbatical Year applies only to plowing (see *Tosafot*). Rather, planting shortly before the Sabbatical Year is prohibited due to the suspicion that it might arouse: Since the time before the Sabbatical Year will not count as a year with regard to *orla*, people might come to think that the tree was planted during the Sabbatical Year itself (see Ramban).

**Layers or grafts** – המבריך והמרכיב – *Tosafot* address the contradiction between what is written here and the *halakha* that *orla* does not apply to branches that have been layered in the ground or grafted, as the new branches become nullified in relation to the older tree. With regard to layering, they explain that here, it is referring to a shoot that was layered into the ground and later separated from the original vine. As for grafting, two explanations are suggested: One is that it is referring to a fruit-bearing branch that was grafted onto a tree that had originally been planted to serve as a fence or for its wood, in which case the tree is not subject to *orla* but the branch that was grafted onto it for its fruit is subject to *orla*. Alternatively, it is referring to a fruit-bearing branch that was grafted in a prohibited manner or by a gentile onto a tree that does not bear fruit (see Ramban).