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 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.

As it is taught in a baraita: The verse states: “In plowing and in harvest you shall rest” (Exodus 23:12). 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 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, 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.

Harvesting of the Sabbatical Year going into the year that follows the Sabbatical Year – שֵׁנַת חָרִישׁ לְקָדִישָׁה. According to most commentaries (Tosafot; Ramban; Rabbi Akiva), 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 (Shabbat Arukh, Yoreh De’ah 31a).

Plowing in the year preceding the Sabbatical Year – שֵׁנַת חָרִישׁ לְקָדִישָׁה. 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, Hilkhot Shemitta VeYovel 2:13).

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You count the fiftieth year – שְׁנַת שֶׁל שֶׁבֶי־יָה. 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 geonim 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).

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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 23:29). One might have thought that one must begin to fast the entire day on the ninth of the month. 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? 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.

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” 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.¹²

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 [shabathken],” 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.¹³

NOTES

¹² Just as plowing is a voluntary act – “six days you shall work, but on the seventh day you shall rest; in plowing and in harvest you shall rest” (Exodus 34:22), 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, every 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 ommer offering, is permitted, as are other actions related to the Temple service.

¹³ One might have thought on the ninth of the month – “your Yom Kippur shall 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” – “tishbetu.” 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.
The Rashba answers that this indeed is the case. Akiva could have learned only about the prohibition against working, but he could not derive any halakha with regard to the extension of affiction 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 – it is considered as though he a fasted on both the ninth and the tenth.

The Gemara asks: And Rabbi Akiva, 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 Hyya bar Rav of Difti, as Hyya 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, thereby preparing himself for the fast on the next day, the verse ascribes him credit for the whole fast.

As though he fasted on both the ninth and the tenth.

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 release 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 the 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, 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.
The Gemara asks: What is the need for Rabbi Yosei to add: Alternatively? 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, 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]? 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 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.

All three of them are indispensable — 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 Ve'ever 10:13).

The Jubilee Year in Eretz Yisrael and outside of Eretz Yisrael — נַעֲלוֹת הַגָּזָה בְּאוּרָוֹת שֶׁאֵינוּ בְּאֶרֶץ יִשְׂרָאֵל: 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 halakha of the Jubilee Year that normally apply outside of Eretz Yisrael are not in force (Rambam Sefer Zera'im, Hilkhot Shemitta Ve'ever 10:8).
Layering – The New Year for planting

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.

BACKGROUND

HALAKHA

The first of Tishrei is the New Year for planting, due to the obligation to add from the profane to the sacred and extend the Sabbath Year at the beginning and at the end. Rabbeinu Tam and the Rida explain that the planting itself is not prohibited, as the halakha of extending the Sabbath Year applies only to plowing (see Tosafot). Rather, planting shortly before the Sabbath Year is prohibited due to the suspicion that it might arouse: Since the time before the Sabbath Year will not count as a year with regard to orla, people might come to think that the tree was planted during the Sabbath Year itself (see Ramban).

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 a tree, or layers a vine shoot into the ground so that it may take root, or grafted a branch onto a tree on the eve of the Sabbath 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 Sabbath 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 Sabbath Year.

If one plants – תקולת: 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 Sabbath Year, due to the obligation to add from the profane to the sacred and extend the Sabbath Year at the beginning and at the end. Rabbeinu Tam and the Rida explain that the planting itself is not prohibited, as the halakha of extending the Sabbath Year applies only to plowing (see Tosafot). Rather, planting shortly before the Sabbath Year is prohibited due to the suspicion that it might arouse: Since the time before the Sabbath Year will not count as a year with regard to orla, people might come to think that the tree was planted during the Sabbath Year itself (see Ramban).

Layers or grafts – תקולת: 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).