

**The release of land – שְׁמִיטַת קֶרֶק:** The Sabbatical Year is observed only in Eretz Yisrael. The Sages were divided as to whether it must be observed by Torah law at all times, or only when the Jubilee year is observed, or only when the Temple is standing. Some maintain that even today, the *halakhot* governing the Sabbatical Year are in effect by Torah law. Rabbi Yehuda HaNasi and Abaye do not agree with this opinion (*Kesef Mishne*). Others hold that the obligation at present is by rabbinic law (Ramban; Rashba). Some (*Sefer HaTeruma*; Rabbi Yosef Kurkus; see also *Pe'at HaShulhan*) claim that the Rambam agrees with the opinion that at present the obligation is by rabbinic law (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 4:25).

**The release of money – שְׁמִיטַת כֶּסֶפִים:** The Torah obligation to release money, i.e., the prohibition against collecting loans, is applicable only when the Jubilee is in effect. When the Jubilee is in effect, loans are canceled upon the conclusion of the Sabbatical Year, both in and outside of Eretz Yisrael. The obligation to release money is observed today by rabbinic law, so that the Jewish people will not forget this *halakha* (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 9:2–3).

NOTES

**בְּזִמְנָן – When you are mandated by Torah law to release land – שְׁמִיטַת קֶרֶק:** The commentaries disagree about the meaning of the release of land. According to Rashi, the Gemara is referring to the prohibition against performing agricultural labor during the Sabbatical Year. When this prohibition is not in effect, there is also no obligation to refrain from collecting loans. Other commentaries question this explanation: Why was it more obvious to Rabbi Yehuda HaNasi that the Torah prohibition against agricultural labor does not apply nowadays and less obvious that the prohibition to collect loans does not apply? Rabbeinu Hananel explains that the prohibition against agricultural labor became irrelevant de facto because the majority of the land in Eretz Yisrael was owned by gentiles. According to this explanation, the Gemara speaks not of the Temple period, but of a period many years after the destruction of the Temple. Rabbeinu Tam (cited in *Tosafot* on *Gittin* 36a), on the other hand, maintains that the release of land referred to here is the release of land in the Jubilee Year, when fields that have been purchased return to their original owners. This release of land no longer applied from the end of the First Temple period. The later commentaries discussed these *halakhot* at great length in connection with the present-day obligations of the Sabbatical Year (see *Hazon Ish*).

בְּשִׁלְמָא מוֹעֵד מְשׁוּם טִירְחָא הוּא, וּבְמִקּוּם פְּסִידָא שְׂרוּ רַבְנֵי. אֵלָּא שְׁבִיעִית, בֵּין לְמֵאן דְּאָמַר מְשׁוּם זִוְרַע, וּבֵין לְמֵאן דְּאָמַר מְשׁוּם חֹרֵשׁ – זְרִיעָה וְחֹרֵשָׁה בְּשְׁבִיעִית מִי שְׂרִי?!

The Gemara asks: **Granted**, with regard to the intermediate days of a Festival, where the prohibition against irrigation is due to the mandate to avoid excessive exertion on the Festival, in a case of considerable loss, the Sages permitted one to exert himself. However, during the Sabbatical Year, both according to the one who said that one who waters is liable due to the prohibition against sowing, and according to the one who said that one is liable due to the prohibition against plowing, are sowing and plowing permitted during the Sabbatical Year? How can these actions be permitted when the Torah explicitly renders prohibited working the land during the Sabbatical Year?

אָמַר אַבְי: בְּשְׁבִיעִית בְּזִמְנָן הוּא, וְרַבִּי הֵיא. דְּתַנִּיא, רַבִּי אָמַר: "זוּהָ דְּבַר הַשְּׂמִיטָה שְׁמוּט" – בְּשִׁיטֵי שְׁמִיטוֹת הַכְּתוּב מְדַבֵּר, אַחַת שְׁמִיטַת קֶרֶק וְאַחַת שְׁמִיטַת כֶּסֶפִים.

Abaye said: The mishna is referring to the Sabbatical Year in the present time, when its prohibitions are only by rabbinic decree, and it is in accordance with the opinion of Rabbi Yehuda HaNasi. As it is taught in a *baraita* that Rabbi Yehuda HaNasi says: When the verse states: "And this is the manner of the release, every creditor will release that which he has lent to his neighbor" (Deuteronomy 15:2), the verse speaks of two releases: One is the release of land,<sup>h</sup> that one must refrain from working the land, and the other is the release of money,<sup>h</sup> that one must refrain from collecting debts.

בְּזִמְנָן שְׁמִיטָה מְשִׁיבָה קֶרֶק – אֵתָה מְשִׁיבָה כֶּסֶפִים, וּבְזִמְנָן שְׂאֵי אֵתָה מְשִׁיבָה קֶרֶק – אֵי אֵתָה מְשִׁיבָה כֶּסֶפִים.

This verse equates these two releases, indicating that when you are mandated by Torah law to release land,<sup>n</sup> you must release money, and when you are not mandated to release land, you need not release money. This indicates that according to Rabbi Yehuda HaNasi, at the present time, the release of land is not mandated by Torah law. Therefore, observance of the Sabbatical Year is mandated only by rabbinic law, and the Sages were lenient in a case of significant loss.

רַבָּא אָמַר: אִפְּלוּ תִימָא רַבְנֵי, אֲבוֹת אֶסַר רַחֲמֵנָא.

Rava said: Even if you say that the mishna was taught in accordance with the opinion of the Rabbis, who disagree with Rabbi Yehuda HaNasi and maintain that the observance of the Sabbatical Year, even at the present time, is mandated by Torah law, one can understand the leniency in the mishna. The reason for the leniency with regard to irrigation is because only primary categories of labor were prohibited by the Merciful One, i.e., by Torah law,

Perek I Daf 3 Amud a

תּוֹלְדוֹת לֹא אֶסַר רַחֲמֵנָא, דְּכִתְבִיב: "וּבִשְׁנָה הַשְּׁבִיעִית שֶׁבַת שְׁבַתוֹן יִהְיֶה לְאֶרֶץ שְׂדֵךְ לֹא תִזְרַע" וְגו'.

whereas the subcategories of labor that are derived from them, e.g., watering, were not prohibited by the Merciful One, i.e., by Torah law, but only by rabbinic law; and in a case of loss the Sages were lenient. The source for this distinction is as it is written: "But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath for the Lord: Your field you shall not sow, and your vineyard you shall not prune. That which grows of its own accord of your harvest you shall not reap, nor gather the grapes of your undressed vines" (Leviticus 25:4–5).

מִכְדִּי, זְמִירָה בְּכֻלָּהּ זְרִיעָה, וּבְצִירָה בְּכֻלָּהּ קְצִירָה, לְמֵאֵי הַלְבָּתָא כְּתִיבִיהוּ רַחֲמֵנָא?

Since pruning is included in the principal category of sowing, as its objective is to encourage the plant's growth, and picking grapes is included in the principal category of reaping grain, as both involve removal of produce from a plant, for the purpose of teaching what *halakha* did the Merciful One write them? Why did the Torah explicitly prohibit pruning and picking grapes, rather than sufficing with the general prohibitions against sowing and reaping?

Primary categories and subcategories of prohibited labor during the Sabbatical Year – אבות ותולדות – בשביעית: There is a positive mitzva to refrain from working the land and cultivating trees during the Sabbatical Year. Flogging by Torah law is administered only for sowing, pruning, reaping, and gathering, which are all explicitly enumerated in the Torah. One who performs other agricultural tasks is liable by rabbinic decree to be flogged (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:1–3).

No labor may be performed in your field and no labor may be performed in your vineyard – כל מלאכה שבשדה – לא: One who removes rocks from a field, fertilizes, grafts, plants trees, supports an unsteady tree, covers a tree's roots with dust, fumigates, or performs any similar task that facilitates the growth of plants and trees violates a positive mitzva and is liable by rabbinic decree to be flogged (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:4).

Light hoeing and constructing circular ditches – עשיית ענוניות וקשקוש: One may hoe beneath grapevines in order to dig circular ditches. Similarly, one may hoe beneath an olive tree to seal cracks, but one may not hoe in order to strengthen the tree (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:7).

LANGUAGE

Cut large branches [mefasegin] – מִפְסֵגִין: Some maintain that this word is the verb form of the word *pisga*, peak, and means to raise or elevate. Others suggest that it is similar to the root *p-s-k*, meaning to open and broaden, in the sense that one who cuts large branches creates more room for the remaining branches. Yet others say that the root *p-s-g* simply means to cut.

BACKGROUND

Fumigate – מְעַשְׂטֵן: Fumigation, whether it was done with plain smoke or with smoke from burning sulfur, served the same purpose as does fumigating trees in our time: To rid the tree of various types of bugs that infest its leaves and fruit.

למימרא: דאָהני תולדות – מיחייב, אַחֲרֵיכֵן – לֹא מִיחֵיב.

The Gemara answers that these were individually enumerated to say that only for these subcategories<sup>n</sup> of labor is one liable to be flogged, while for other subcategories of labor, i.e., watering a field, one is not liable.<sup>h</sup> Consequently, there are only four types of labor that are prohibited by Torah law during the Sabbatical Year: Sowing and its subcategory of pruning, as well as reaping and its subcategory of grape picking. All other subcategories of labor are prohibited only by rabbinic decree.

ולא? והתניא: "שֶׁדֶךְ לֹא תִזְרַע וְכַרְמְךָ לֹא תִזְמֹר" – אֵין לִי אֵלֶּיךָ זִירְעָה וְזִימוּר. מִיֵּן לְמִבוֹשׁ וְלְעִדּוּר וְלְכִסּוּחַ? תִּלְמוּד לומר: "שֶׁדֶךְ לֹא" – כַּרְמְךָ לֹא – לֹא כֹל מְלָאכָה שֶׁבְּכַרְמְךָ.

The Gemara asks: And is there really no liability for other subcategories of labor? Isn't it taught in a *baraita*: "Your field you shall not sow, and your vineyard you shall not prune" (Leviticus 25:4). I have derived from here an explicit prohibition only against sowing and pruning. From where do I derive that weeding, i.e., uprooting weeds, hoeing, and cutting weeds, even without uprooting them, are also prohibited? The verse states: "Your field you shall not sow" and "your vineyard you shall not prune."<sup>n</sup> This wording indicates that no labor may be performed in your field, and no labor may be performed in your vineyard.

מִיֵּן שְׂאִין מְקַרְסְמִין, וְאֵין מִזְרְדִין, וְאֵין מְפַסְגִין בְּאֵילָן? תִּלְמוּד לומר: "שֶׁדֶךְ לֹא" – כַּרְמְךָ לֹא – לֹא כֹל מְלָאכָה שֶׁבְּשֶׁדֶךְ, וְלֹא כֹל מְלָאכָה שֶׁבְּכַרְמְךָ.

Similarly, from where is it derived that one may not prune<sup>n</sup> trees,<sup>n</sup> and one may not trim dry branches from trees,<sup>n</sup> and one may not cut large branches [mefasegin]<sup>ln</sup> from trees? The verse states: "Your field you shall not sow" and "your vineyard you shall not prune," thereby teaching that no labor may be performed in your field, and no labor may be performed in your vineyard.

מִיֵּן שְׂאִין מְבִלִין, וְאֵין מְפָרְקִין, וְאֵין מְאַבְקִין, וְאֵין מְעַשְׂטֵן בְּאֵילָן? תִּלְמוּד לומר: "שֶׁדֶךְ לֹא" – כַּרְמְךָ לֹא, כֹּל מְלָאכָה שֶׁבְּשֶׁדֶךְ לֹא, וְכֹל מְלָאכָה שֶׁבְּכַרְמְךָ לֹא.

Similarly, from where is it derived that one may not fertilize fields and vineyards, and one may not remove stones<sup>n</sup> that surround the base of a tree and impede its growth, and one may not cover exposed roots with dust,<sup>n</sup> and one may not fumigate<sup>b</sup> a tree in order to exterminate worms? The verse states: "Your field you shall not sow" and "your vineyard you shall not prune," thereby indicating that no labor may be performed in your field, and no labor may be performed in your vineyard.<sup>h</sup>

יכול לא יקשקש תחת הייטים, ולא יעדר תחת הגפנים, ולא ימלא נקעים מים, ולא יעשה עוגיות לגפנים – תלמוד לומר: "שֶׁדֶךְ לֹא תִזְרַע".

The apparent conclusion from this is that all labor in a field or a vineyard is prohibited. One might have thought that one may also not hoe lightly under olive trees and one may not hoe under grapevines, and one may not fill cracks in the ground with water, and one may not construct circular ditches around the bases of grapevines in order to collect rainwater.<sup>h</sup> Therefore, the verse states: "Your field you shall not sow."

NOTES

For these subcategories – דאָהני תולדות: According to the manuscript version of Rashi's commentary, the word subcategories does not appear in the Gemara. According to this version, it is possible to suggest that since pruning and picking grapes are explicitly enumerated in the Torah, they are considered primary categories. Most commentaries, however, accept the version of the text that refers to pruning and picking grapes as subcategories. They explain that the primary categories are the significant labors while the subcategories are the less significant labors (*Talmid Rabbeinu Yehiel of Paris*). Others explain that the terms primary categories and subcategories are employed here as they apply to the prohibited labors of Shabbat: That which is considered a primary category with regard to Shabbat is also considered a primary category with regard to the Sabbatical Year, whereas all other labors are called subcategories (Rabbi Shlomo ben HaYatom; Rashi; see also Ritva).

Your field you shall not sow and your vineyard you shall not prune – כַּרְמְךָ לֹא: There are several ways to understand this derivation. Rabbeinu Hananel explains that since it is obvious that sowing is performed in a field and pruning in a vineyard, the terms your field and your vineyard are superfluous. Therefore, they are understood to indicate that all labor in the field and the vineyard is prohibited. Others suggest that this derivation is based upon the order of words in the verse. The verse could have stated: You shall not sow your field, and: You

shall not prune your vineyard. The unusual phraseology of the verse, which places the Hebrew term for the word not adjacent to the Hebrew words for field and vineyard, indicates that all labors in the field and vineyard are prohibited (*Talmid Rabbeinu Yehiel of Paris*). The Ritva explains that the wording of the verse itself is not the source of the *halakha*, but rather an abbreviated reference to the generalization, detail, and generalization principle that the Gemara mentions below, which is the real source of this *halakha*.

Prune – מְקַרְסֵין: The commentaries agree that here, pruning is referring to the removal of dry branches. Rashi explains that this is merely a linguistic change from the term *zemira* mentioned in the verse, which refers exclusively to vineyards. Others say that the term used here is referring to the removal of branches in a way that is different from ordinary pruning (see *Shenot Eliyahu*).

From where is it derived that one may not prune trees – מִיֵּן שְׂאִין מְקַרְסְמִין: The commentaries question why the prohibited labors derived from this verse are not listed all together. Some explain that the *tanna* of this *baraita* was taught the prohibitions listed here in separate groupings, and repeated each lesson as it had been conveyed to him (*Talmid Rabbeinu Yehiel of Paris*). Alternatively, the groups of prohibited labors are listed independently because they relate to different spheres of activity: Labors performed in a field, labors performed directly

on a tree, and labors performed on the ground (*Talmid Rabbeinu Yehiel of Paris*; Ran).

Trim dry branches from trees – מְזַרְדִין: Some say that this refers to removing branches from the tree in order to allow the tree trunk to thicken (*Talmid Rabbeinu Yehiel of Paris*). Others explain that it is referring to cutting superfluous roots (*Peirush*).

Cut large branches – מְפַסְגִין: Rashi and Rabbeinu Gershom Meor HaGola explain that this means supporting weak branches. Others explain that it means tying branches together in order to stimulate growth (*Peirush*; Ran). Others say that this is referring to cutting off all the tree's branches so that its trunk will grow thicker (Meiri; see *Arukh*).

Remove stones – מְפָרְקִין: Some explain that this means removing the stones that weigh down heavily on the roots of the tree (Rashi; Rabbi Shlomo ben HaYatom). Others understand that it means removing unneeded leaves from the tree (Meiri; Jerusalem Talmud).

Cover exposed roots with dust – מְאַבְקִין: Some say this refers to removing dust from the tree (*Arukh*), whereas others say it means just the opposite, applying dust and earth to the tree (Rashi). The Meiri cites two additional explanations: Applying dust and other materials to a place where the tree suffered a cut, or sprinkling fragrant powder on the tree's fruit.

Just as sowing is unique – **מה זריעה מיוחדת** – Rabbeinu Hananel and Rashi understand that any agricultural task that is not common to both a field and a vineyard is not included. Some say that the term unique is used here in the sense of significant (*Talmid Rabbeinu Yehiel of Paris*). Similarly, the Ran explains that the distinction is between a labor that is performed once a year and labor that needs to be performed throughout the year.

Strengthen [*avruyei*] the trees – **אברויי אילני** – Rabbeinu Hananel and most other commentaries explain that this expression stems from the Hebrew word for health [*beriat*] and is referring to performing a task that strengthens the tree. The manuscript version of Rashi's commentary explains that this expression is referring to boring holes in the soil surrounding the base of a tree. In that case, the term *avruyei* stems from the word meaning to pierce, as in the verse: "And they pierced [*uvarei*] them with their swords" (Ezekiel 23:47).

To seal cracks – **סתומי פילי** – Some explain that this is referring to sealing cracks in the tree (Rabbeinu Gershom Meor HaGola; Rabbi Shlomo ben HaYatom; see Rambam). Others say that it is referring to sealing cracks in the ground (Riaz; *Talmid Rabbeinu Yehiel of Paris*).

One does not apply the hermeneutical principle of a generalization, and a detail, and a generalization – **אינן דגין אותו בכלל ופרט וכלל** – Rabbeinu Gershom Meor HaGola explains as follows: The hermeneutical principle of a generalization, and a detail, and a generalization indicates that the *halakha* expressed in the generalization applies to any case that is somewhat similar to the case specified in the detail. However, cases where the generalizations are positive mitzvot and the detail is formulated as a prohibition, or vice versa, are treated as a generalization followed by a detail, in which case the *halakha* expressed in the generalization is limited to the specific case mentioned in the detail. See also *Tosafot HaRosh*.

#### HALAKHA

Plowing during the Sabbatical Year – **הרישה** – **בשביעית**: If one plows during the Sabbatical Year, even if his intention is to improve the land for agricultural purposes, he is not flogged. According to one opinion, if he plows for non-agricultural purposes he does not even violate a positive mitzva (*Pe'at HaShulhan*, based upon the Jerusalem Talmud; Rambam *Sefer Zera'ir*, *Hilkhot Shemitta VeYovel* 1:4).

זריעה בכלל הייתה. ולמה יצתה – להקיש אליה, לומר לך: מה זריעה מיוחדת, עבודה שבשדה ושבכרם – אף כל שהיא עבודה שבשדה ושבכרם!

מדרבנן, וקרא – אסמכתא בעלמא.

וקשקוש בשביעית מי שרי? והא כתבי: "והשביעית תשמטנה ונטשתה". "תשמטנה" – מלשקשקש, ונטשתה" – מלסקל!

אמר רב עוקבא בר חמא: תרי קשקושי הו; חד – אברויי אילני, וחד – סתומי פילי. אברויי אילן – אסור, סתומי פילי – שרי.

איתמר, החורש בשביעית, רבי יוחנן ורבי אלעזר. חד אמר: לוקה, וחד אמר: אינו לוקה. לימא בדרבי אבין אמר רבי אילעא קמיפלאי, דאמר רבי אבין אמר רבי אילעא: כל מקום שנאמר כלל בעשה, ופרט בלא תעשה – אין דגין אותו בכלל ופרט וכלל.

מאן דאמר לוקה – לית ליה דרבי אבין אמר רבי אילעא,

ומאן דאמר אינו לוקה – אית ליה דרבי אבין!

The Gemara explains the derivation: **Sowing was included** in the general prohibition against performing agricultural labors during the Sabbatical Year, as the verse states "But in the seventh year shall be a sabbath of solemn rest for the land" (Leviticus 25:4). **Why was sowing singled out** and mentioned explicitly? In order to compare other types of labor to it and to say to you: **Just as sowing is unique<sup>n</sup> in that it is labor performed both in the field and in the vineyard, so too, any other labor performed both in the field and in the vineyard is prohibited.** However, labors performed only in the vineyard but not in the field, i.e., whose objective is merely to sustain the vines from year to year, such as the labors mentioned above, are permitted. In any case, this *baraita* indicates that many subcategories of labor are prohibited during the seventh year, and not just sowing and pruning, as Rava had stated.

The Gemara rejects this opinion: These labors, with the exceptions of sowing, pruning, grape picking, and reaping, are all prohibited only by rabbinic law, and the verse that is cited as a source from the Torah is a mere support, and not a bona fide source.

Incidental to this discussion, the Gemara asks: Is light hoeing under olive trees in fact permitted during the Sabbatical Year? Isn't it written: "But the seventh year you shall let it rest and lie fallow" (Exodus 23:11), and it is taught with regard to this verse: "You shall let it rest" from light hoeing, "and lie fallow" from clearing the field of stones. This indicates that light hoeing is indeed prohibited during the Sabbatical Year.

Rav Ukva bar Hama said: There are two types of light hoeing, one whose objective is to strengthen the trees,<sup>n</sup> and another that is intended to seal cracks.<sup>n</sup> There is a practical halakhic difference between them: Hoeing performed in order to strengthen the tree is prohibited, as it is similar to plowing in that it enhances the tree's growth. However, hoeing undertaken in order to seal cracks is permitted, as by doing so one prevents damage to the tree.

It was stated that Rabbi Yohanan and Rabbi Elazar disagreed with regard to one who plows during the Sabbatical Year.<sup>h</sup> One said: He is flogged for doing so, while the other one said: He is not flogged. The Gemara suggests: Let us say that they disagree with regard to the principle that Rabbi Avin said that Rabbi Ile'a said, and one accepts this principle while the other does not. As, Rabbi Avin said that Rabbi Ile'a said: Wherever a generalization is stated in the Torah as a positive mitzva, and a detail relating to that generalization is stated as a negative mitzva, one does not apply the hermeneutical principle of a generalization, and a detail, and a generalization,<sup>n</sup> according to which the *halakha* under discussion is expanded to all cases that resemble the detail.

The Gemara explains: The one who said that one who plows during the Sabbatical Year is flogged does not accept the principle that Rabbi Avin said that Rabbi Ile'a said. Accordingly, he expounds the verses as follows: The verse "But in the seventh year shall be a sabbath of solemn rest for the land" (Leviticus 25:4) is a generalization stated as a positive mitzva. The continuation of the verse is "Your field you shall not sow," which is a detail stated as a negative mitzva. This is followed by another generalization: "For it shall be a year of rest for the land" (Leviticus 25:5). By applying the principle of a generalization, a detail, and a generalization, one can derive that there is a prohibition against performing any agricultural task that is similar to sowing, including plowing.

And the one who said that one is not flogged for plowing holds in accordance with the ruling that Rabbi Avin stated in the name of Rabbi Ile'a. Therefore, the prohibition stated as a detail, i.e., the prohibition against sowing, is not extended to include any other labor. One who plows violates the positive command to let the land rest, but does not transgress a Torah law phrased as a negative mitzva, and therefore he is not flogged.

לא, דכולי עלמא לית ליה דרבי אבין אמר רבי אילעא. מאן דאמר לוקה – שפיר.

The Gemara rejects this suggestion: **No**, one can say that **everyone** holds that the *halakha* is **not** in accordance with the principle that **Rabbi Avin** said that **Rabbi Ile'a** said. According to **the one who said he is flogged**, all is well, as he applies the hermeneutical principle of a generalization, a detail, and a generalization to derive a prohibition for plowing.

ומאן דאמר אינו לוקה – אמר לך: מכדי זמירה בכלל זריעה, ובצירה בכלל קצירה, למאי הלכתא בתבינהו רחמנא? למימר דאהני תולדות הוא דמיחייב, אתולדה אחרתא – לא מיחייב.

And the one who said that **he is not flogged** could have said to you: **Since pruning** is included in the primary category of sowing, and **grape picking** is included in the primary category of reaping, for the purpose of teaching **what halakha did the Merciful One write them?** They were individually enumerated to say that only for these specific subcategories of labor is one liable to be flogged, but for performing other subcategories of labor one is not liable. According to this opinion, the verse comes to teach that one is not liable to be flogged for performing any labor not explicitly enumerated in the Torah, including plowing.

ולא? והתנאי: "שדך לא תורע וכרמך לא תזמור" – אין לי אלא זריעה וזמור. מנין לעידור ולקישקוש ולכיסוח? תלמוד לומר: "שדך לא" "כרמך לא" – לא כל מלאכה שבשדך, ולא כל מלאכה שבכרמך.

The Gemara asks: **And** is there really **no** liability for other subcategories of labor? **Isn't it taught** in a *baraita* with regard to the verse "Your field you shall not sow, and your vineyard you shall not prune" that I have derived from here an explicit prohibition only against sowing and pruning? **From where** do I derive that weeding, hoeing, and cutting weeds are also prohibited? **The verse states:** "Your field you shall not sow and your vineyard you shall not prune" (Leviticus 25:4). By placing the word "not" immediately following the words "field" and "vineyard," the verse indicates that one may **not** perform any labor that is generally performed in your field, and one may **not** perform any labor that is generally performed in your vineyard.

ומנין שאין מקרסמין ואין מזרדין ואין מפסגין באילן? תלמוד לומר: "שדך לא", "כרמך לא" – כל מלאכה שבשדך לא, כל מלאכה שבכרמך לא.

Similarly, **from where** is it derived that **one may not prune trees**, and **one may not trim dry branches** from trees, and **one may not cut large branches** from trees? **The verse states:** "Your field you shall not sow and your vineyard you shall not prune," indicating that any labor that is generally performed in your field may not be performed during the Sabbatical Year, and any labor generally performed in your vineyard may not be performed during the Sabbatical Year.

מנין שאין מזבלין ואין מפרקין ואין מעשנין באילן? תלמוד לומר: "שדך לא" "כרמך לא" – כל מלאכה שבשדך לא, וכל מלאכה שבכרמך לא.

**From where** is it derived that **one may not fertilize** fields and vineyards, and **one may not remove stones** from around the base of a tree that impede its growth, and **one may not fumigate a tree** in order to exterminate worms? **The verse states:** "Your field you shall not sow and your vineyard you shall not prune," thereby indicating that any labor that is generally performed in your field may not be performed during the Sabbatical Year, and any labor generally performed in your vineyard may not be performed during the Sabbatical Year.

יכול לא יקשקש תחת הזיתים, ולא יעדור תחת הגפנים, ולא ימלא נקעים מים, ולא יעשה עוגיות לגפנים – תלמוד לומר: "שדך לא תורע".

One might have thought that **one may also not hoe** lightly under olive trees and **one may not hoe** under grapevines, and **one may not fill cracks** in the ground with water, and **one may not construct circular ditches** around the bases of grapevines in order to collect rainwater. Therefore, **the verse states:** "Your field you shall not sow."

זריעה בכלל היתה. ולמה יצתה? להקיש אליה, לומר לך: מה זריעה מיוחדת – עבודה שבשדה ושבכרם, אף כל שהיא עבודה שבשדה ושבכרם!

Sowing was included in the general prohibition against performing agricultural labors during the Sabbatical Year. **Why** was sowing singled out and mentioned explicitly? In order to compare other types of labor to it and to say to you: **Just as sowing is unique** in that it is labor performed both in the field and in the vineyard, so too, any other labor performed both in the field and in the vineyard is prohibited. However, labor performed only in the vineyard, but not in the field, i.e., whose objective is merely to sustain the vines from year to year, is permitted. In any case, this *baraita* indicates that many labors are prohibited during the seventh year, and not just sowing and pruning.

The Gemara rejects this opinion: These labors, with the exceptions of sowing, pruning, grape picking, and reaping, are all prohibited only by rabbinic law, and the verse that is cited as source from the Torah is a mere support, and not a bona fide source.

Perek I

Daf 3 Amud b

BACKGROUND

When Rav Dimi came – כִּי אָתָּא רַב דִּימִי: Rav Dimi was one of the Sages who often traveled from Eretz Yisrael to Babylonia, primarily to transmit the Torah of Eretz Yisrael to the Torah centers of the Diaspora, although occasionally he traveled on business as well. Many questions, particularly those concerning the statements of Sages from Eretz Yisrael, remained unresolved in Babylonia until Rav Dimi would arrive and elucidate the *halakha*, the novel expression, or the unique circumstances pertaining to a particular statement that required clarification.

HALAKHA

The additional period prior to Rosh HaShana of the Sabbatical Year – תּוֹסֶפֶת רֵאשׁ הַשָּׁנָה: There is a *halakha* transmitted to Moses from Sinai that it is prohibited for one to work the land for thirty days prior to the Sabbatical Year, as doing so would prepare the land for the following year. The Sages decreed that an orchard may be plowed only until *Shavuot*, and a grain field until Passover. This is in accordance with the opinions of Rabbi Yishmael and Rabbi Shimon. However, these *halakhot* applied only while the Temple was standing. After the Temple was destroyed, working the land was permitted until Rosh HaShana, in accordance with the opinion of Rav Ashi, as stated later in the Gemara (4a). Planting fruit trees is prohibited a month prior to Rosh HaShana even today, as afterward it would appear as though they were planted during the seventh year (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 3:1, 3:11).

כִּי אָתָּא רַב דִּימִי אָמַר: יָכוֹל יִלְקַח עַל הַתּוֹסֶפֶת – וְנִסְיֵב לָהּ תִּלְמוּדָא לְפִטְוּרָא, וְלֹא יִדְעָנָא מַאי תִּלְמוּדָא וּמַאי תּוֹסֶפֶת.

When Rav Dimi came<sup>b</sup> from Eretz Yisrael to Babylonia, he stated a tradition he had heard from the Sages in Eretz Yisrael: One might have thought that one would be flogged for the addition, but a teaching states an exemption from lashes. Rav Dimi noted: But I do not know what teaching<sup>n</sup> or what addition this tradition is referring to.

רַבִּי אֶלְעָזָר אָמַר: חֲרִישָׁה, וְהִכֵּי קָאָמַר: יָכוֹל יִלְקַח עַל חֲרִישָׁה, דְּאִתִּיָּא מִכָּל וּפְרִט וּכְלָל, וְנִסְיֵב לִיהּ תִּלְמוּדָא לְפִטְוּרָא.

The Sages disputed the meaning of this tradition. Rabbi Elazar said: The addition in question is plowing during the Sabbatical Year, for which there is no explicit prohibition in the Torah, and so it may be regarded as an addition to the labors explicitly enumerated in the Torah. And this is what it is saying: One might have thought that one would be flogged for plowing during the Sabbatical Year, as it is derived by way of the hermeneutical principle of a generalization, and a detail, and a generalization that teaches that plowing is prohibited. But a teaching states an exemption from lashes for the labor of plowing.

דָּאָם בְּנֵי, כֵּל הֵינּוּ פְרִיטֵי לְמָהּ לִי?

This is logical, because if one is flogged for plowing, why do I need all these details<sup>n</sup> that were enumerated in the verse, i.e., pruning and picking grapes? Rather, one must certainly conclude that these were singled out in order to teach that one is flogged only for these specific labors, but not for any other.

וְרַבִּי יוֹחָנָן אָמַר: יָמִים שְׁהוֹסִיפוּ חֲכָמִים לְפָנֵי רֵאשׁ הַשָּׁנָה, וְהִכֵּי קָאָמַר: יָכוֹל יִלְקַח עַל תּוֹסֶפֶת רֵאשׁ הַשָּׁנָה, דְּאִתִּיָּא מִבְּחָרִישׁ וּבִקְצִיר תְּשֻׁבַת, וְנִסְיֵב לָהּ תִּלְמוּדָא לְפִטְוּרָא, כְּדִבְעֵינוּ לְמִימְרֵי קַמְנָן.

And Rabbi Yoḥanan said: This addition is referring to the extra days that the Sages added to the prohibition against performing agricultural labor, before Rosh HaShana of the seventh year, when the Sabbatical Year formally begins. And this is what it is saying: One might have thought that one would be flogged for working the land during the additional period<sup>n</sup> prior to Rosh HaShana of the Sabbatical Year,<sup>h</sup> as this prohibition is derived from the verse: “In plowing and in reaping you shall rest” (Exodus 34:21). This seemingly superfluous verse is understood as teaching that not only is working the land prohibited during the seventh year, but plowing a field during the sixth year to prepare the land for the seventh year, and reaping what grew in the seventh year during the eighth year are also prohibited. But a teaching states an exemption from lashes for these actions, as we are about to state below.

NOTES

But I do not know what teaching – וְלֹא יִדְעָנָא מַאי תִּלְמוּדָא – Even in the time of the *tanna'im* there were oral traditions that were not fully understood, and those who transmitted the traditions and other Sages attempted to accurately ascertain their meaning. In this case, the Sages of Eretz Yisrael had a tradition, or, according to some commentaries, a *baraita*, that contained an allusion that was not satisfactorily understood.

All these details – כֵּל הֵינּוּ פְרִיטֵי: According to Rabbeinu Gershom Meor HaGola, the fact that only these labors were enumerated proves that one is not liable to receive lashes for the other labors. There is an opinion that this should be understood in accordance with the talmudic principle that no inference can

be drawn from two verses that come to teach the same *halakha*. Since several labors were specified, no generalization can be inferred from them (*Talmid Rabbeinu Yehiel of Paris*).

One might have thought that one would be flogged for working the land during the additional period – יָכוֹל יִלְקַח עַל הַתּוֹסֶפֶת: Rashi, cited by Ritva, explains that the reference is to lashes by rabbinic law, to which one is liable due to violating a positive mitzva. *Tosafot* maintain that due to the analogy established through the verse, all of the *halakhot* that apply to the Sabbatical Year itself apply to the additional period before the Sabbatical Year as well (see Ritva). Consequently, one is flogged by Torah law for violating a prohibition.

Plowing for cucumbers – תְּרִישָׁה לְמִקְשָׁאוֹת – Cucumbers and gourds are among the plants that grow in fields that suffice with rainwater and do not require manual irrigation. As it is difficult to plow moist soil, the time to plow the ground for these crops is after the winter rains have ceased and after the moisture has lessened, but before the earth has completely dried out.

## HALAKHA

Ordinances instituted by a court – תְּקֻנַּת בֵּית דִּין – If a court instituted an ordinance or issued a decree that gained acceptance among all the Jewish people, it remains in effect even when the reason for the ordinance or decree no longer applies. Only a court that is greater in both wisdom and number can abrogate an ordinance instituted by an earlier court. In the case of a decree issued to prevent violation of a Torah law, a later court cannot abrogate it at all (Rambam *Sefer Shofetim, Hilkhot Mamrim* 2:2).

מאי ימים שלפני ראש השנה? כדתנן: עד מתי חורשין בשדה אילן ערב שביעית? בית שמאי אומרים: כל זמן שיפה לפרי; ובית הלל אומרים: עד העצרת. וקרובין דברי אלו להיות כדברי אלו.

The Gemara elaborates: **What are the extra days before Rosh HaShana? As we learned in a mishna (Shevi'it 1:1): Until when may one plow an orchard on the eve of the Sabbatical Year? Beit Shammai say: One may plow so long as the plowing is beneficial for the fruit already on the trees. Once the plowing serves to benefit only the tree itself and the fruit it will produce the following year, it is prohibited. And Beit Hillel say: One may plow until Shavuot.**<sup>N</sup> The mishna notes: **And the statement of these, Beit Shammai, is close to being like the statement of these, Beit Hillel; i.e., in practice, there is little difference between the dates established by the two opinions.**

ועד מתי חורשין שדה הלבן ערב שביעית? משתכלה הלחה, וכל זמן שבני אדם חורשים ליטע מקשאות ומדלעות.

The mishna (see *Shevi'it* 2:1) additionally states: **And until when may one plow a white field, i.e., a grain field, on the eve of the Sabbatical Year? One may plow until the residual moisture in the fields from the rain ceases and so long as people continue to plow<sup>N</sup> their fields in order to plant cucumbers and gourds,<sup>BN</sup> which are planted at the end of the winter.**

רבי שמעון אומר: אם כן – נתנה תורה שיעור לכל אחד ואחד בידו! אלא: בשדה הלבן – עד הפסח, ובשדה האילן – עד העצרת. ובית הלל אומרים: עד הפסח.

Rabbi Shimon says: **If it is so that no set time was established, then the Torah has given an individual measure of time into the hands of each and every individual.** One may plow until a self-determined time, as he can always claim that he is plowing in order to plant during the sixth year. **Rather, a fixed time must be established: In a white field one may plow until Passover, in an orchard one may plow until Shavuot, and Beit Hillel say: Until Passover.**

ואמר רבי שמעון בן פזי אמר רבי יהושע בן לוי משום בר קפרא: רבן גמליאל ובית דינו נמנו על שני פרקים הללו ובטלום.

And Rabbi Shimon ben Pazi said that Rabbi Yehoshua ben Levi said in the name of bar Kappara: **Rabban Gamliel and his court discussed and then voted about the prohibitions of these two periods, i.e., from Passover or Shavuot until Rosh HaShana, and nullified them, thereby permitting plowing until Rosh HaShana, the actual beginning of the Sabbatical Year.**

אמר ליה רבי זירא לרבי אבהו, ואמרי לה ריש לקיש לרבי יוחנן: רבן גמליאל ובית דינו היכי מצו מבטלי תקנתא דבית שמאי ובית הלל? והא תנן: אין בית דין יכול לבטל דברי בית דין חברו אלא אם כן גדול ממנו בחכמה ובמנין!

Rabbi Zeira said to Rabbi Abbahu, and some say that it was Reish Lakish who said to Rabbi Yohanan: **How could Rabban Gamliel and his court nullify an ordinance instituted by Beit Shammai and Beit Hillel, who were greater authorities than they were? Didn't we learn in a mishna (Eduyyot 1:5): A court cannot nullify the ruling of another court unless it surpasses it in wisdom and in number?**<sup>HN</sup>

"אשתומם בשעה חדא" אמר ליה: אימור כך התנו ביניהן: כל הרוצה לבטל – יבוא ויבטל.

Rabbi Abbahu "was astonished for a while" (Daniel 4:16), and then said to him: **Say that when Beit Shammai and Beit Hillel established their decree, they stipulated among themselves: Anyone who later wishes to nullify this decree may come and nullify it.**

## NOTES

בית הלל אומרים – Beit Hillel say: One may plow until *Shavuot* – עד העצרת: In the Jerusalem Talmud, this dispute is included among the list of the unusual circumstances where Beit Hillel rule more stringently than Beit Shammai. The reason it is not listed in tractate *Eduyyot* along with the other disputes of this type is that occasionally, in a dry year, the latest time to plow that is beneficial for the fruit is before *Shavuot*, and Beit Hillel's ruling is more lenient. Similarly, *Talmid Rabbeinu Yehiel of Paris* explains that whereas for most trees the latest time to plow that is beneficial for the fruit is after *Shavuot*, for some trees it is before *Shavuot* (see *Tosafot*).

וכל זמן שבני אדם חורשים – And so long as people plow: Many of the medieval commentaries had a version of the text that leaves out the word: And. The difference between this version of the text and the common text, which includes the word: And, is whether these are two distinct times, or a single date with two different identifying characteristics (Ritva).

ליטע מקשאות ומדלעות – To plant cucumbers and gourds: The term *litta*, which generally refers to planting trees rather than vegetables or grains, is used with respect to cucumbers and gourds because they are planted in a manner similar to that of trees; each seed is planted individually. Vegetables and grains

are planted by scattering many seeds at once (*Talmid Rabbeinu Yehiel of Paris*).

בחכמה ובמנין – In wisdom and in number: The Rambam asks: How can a court be greater in number than the Sanhedrin, which has seventy-one members? There is no court with a greater number of judges than that. The Rambam explains that the reference here is to the number of Sages who are not members of the court who accept the court's ruling. It has also been suggested that this is referring to the number of students of the judges comprising that particular court (*Talmid Rabbeinu Yehiel of Paris*).

**Ten saplings** – עֵשָׂר נְטִיעוֹת: If ten saplings were spread out in a field that has an area of a *beit se'a*, fifty by fifty cubits, one may plow the entire field for the benefit of these saplings until Rosh HaShana of the seventh year. This is a *halakha* transmitted to Moses from Sinai (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 3:5).

**Willow** – עֵרְבָה: According to a *halakha* transmitted to Moses from Sinai, a willow branch must be brought to the Temple on *Sukkot*. This willow branch is not the same as the one taken together with the *lulav* (Rambam *Sefer Zemanim, Hilkhot Lulav* 7:20).

**Water libation** – נִסּוּךְ הַמַּיִם: According to a *halakha* transmitted to Moses from Sinai, water libations are brought on the altar on all seven days of *Sukkot* along with the wine libations, which are brought with the daily offerings every morning (Rambam *Sefer Avoda, Hilkhot Temidin UMusafin* 10:6).

BACKGROUND

**Water libation** – נִסּוּךְ הַמַּיִם: During the festival of *Sukkot*, in addition to the other special offerings brought in the Temple, a water libation was poured over the altar. This libation is not mentioned explicitly in the Torah, as its source is an oral tradition transmitted to Moses from Sinai. The water libation was accompanied by great festivity and ceremony, from the time that the water was drawn from the Siloam pool until it was poured over the altar. The water libation was brought on all seven days of *Sukkot*, including Shabbat, even though it was not permitted to draw water for this offering on Shabbat.

דידהו היא? הלכה למשה מסיני היא!  
דאמר רבי אסי אמר רבי יוחנן משום  
רבי נחוניא איש בקעת בית חורטן:  
עשר נטיעות, ערבה, וניסוך המים –  
הלכה למשה מסיני.

אמר רבי יצחק: כי גמירי הלכתא –  
שליש יום לפני ראש השנה, ואתו הני  
תקון מפסח ומעצרת. ואתנו בדידהו:  
כל הרוצה לביטל – יבוא ויביטל.

והני הלכתא ננהו? קראי ננהו. דתנן:  
”בחריש ובקציר תשבת”, רבי עקיבא  
אומר: אין צריך לומר חריש וקציר של  
שבועית – שהרי כבר נאמר: ”שדך לא  
תורע וכרמך לא תומר”, אלא חריש של  
ערב שבועית

The Gemara asks: **Is this ordinance theirs?** Did Beit Shammai and Beit Hillel institute the ordinance and as such have the authority to attach stipulations to it? **It is a *halakha* transmitted to Moses from Sinai. As Rabbi Asi said that Rabbi Yohanan said in the name of Rabbi Nehunya from the valley of Beit Hortan:** The *halakha* of ten saplings,<sup>HN</sup> the *mitzva* of bringing willow<sup>H</sup> branches to the Temple on *Sukkot* and standing them up around the altar, and the *halakha* of water libation<sup>HB</sup> on *Sukkot* are all *halakhot* transmitted to Moses from Sinai. Consequently, the prohibition against plowing on the eve of the seventh year is a not a rabbinic ordinance from the Second Temple period, but rather an oral tradition dating back to Moses at Sinai.

**Rabbi Yitzhak said: When they learned this *halakha* as a tradition dating back to Moses at Sinai, the prohibition applied from only thirty days before Rosh HaShana. Afterward, these Sages of Beit Shammai and Beit Hillel came and instituted lengthier periods of restriction, from Passover and from Shavuot, respectively, but they stipulated among themselves: Anyone who later wishes to nullify this decree may come and nullify it.** Rabban Gamliel and his court were therefore able to nullify extended restrictions instituted by Beit Shammai and Beit Hillel.

The Gemara raises another question: **Are these prohibitions of plowing before the Sabbatical Year really *halakhot* transmitted to Moses from Sinai? They are actually prohibitions based on explicit verses.<sup>N</sup> As we learned<sup>N</sup> in a *baraita* with regard to the verse “In plowing and in reaping you shall rest” (Exodus 34:21)<sup>N</sup> that Rabbi Akiva says: It is unnecessary for the verse to speak about plowing and reaping during the Sabbatical Year, as it was already stated: “But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath for the Lord; your field you shall not sow, and your vineyard you shall not prune” (Leviticus 25:4).<sup>N</sup> This teaches that during the seventh year all agricultural labor is prohibited. Rather, the verse comes to prohibit plowing on the eve of the Sabbatical Year**

NOTES

**Ten saplings** – עֵשָׂר נְטִיעוֹת: This *halakha* states that if ten saplings are dispersed in an orchard of twenty-five hundred square cubits, the entire orchard may be plowed until Rosh HaShana of the Sabbatical Year in order to prevent the saplings from withering. Implicitly, this indicates that in other cases plowing is prohibited prior to Rosh HaShana.

The wording of this *halakha* is precise, referring specifically to saplings, which are defined in the Jerusalem Talmud, and not to mature trees. It also refers specifically to ten, because if there are fewer than ten one may plow only directly under the trees, and if there are more than ten it is not a sustainable orchard, and some of the trees will have to be uprooted due to overcrowding (*Talmid Rabbeinu Yehiel of Paris*). However, some commentaries dispute this latter point.

**They are actually prohibitions based on explicit verses** – קראי ננהו: Most commentaries explain that this refers to the *halakha* of ten saplings. Others, however, understand that the Gemara is referring to all three *halakhot*, as according to certain Sages, each has an allusion in the Torah (see *Tosafot*; Rabbi Shlomo ben HaYatom).

**As we learned [ditnan]** – דתנן: This term generally introduces a quotation from a mishna. However, the *Mesoret HaShas* cites the Rash, who notes that the text here is different from the version of this tannaitic source as it appears in the mishna in tractate *Shevi'it* (1:4). Consequently, it would seem that this source is a *baraita* that is similar but not identical to the mishna. This is supported by the fact that when this source is cited in

tractate *Rosh HaShana* (9a), it is introduced by the word *tanya*, which connotes a *baraita*. Furthermore, in all of the available manuscripts, as well as previous printings of the Talmud, the text here includes the word *tanya* rather than the word *tenan*.

**In plowing and in reaping you shall rest** – בְּחָרִישׁ וּבְקָצִיר תִּשְׁבֹּת: In context, this verse is referring to Shabbat, not to the Sabbatical Year. However, if this is the case, the verse is superfluous, as plowing and reaping are among the labors already prohibited on Shabbat (Jerusalem Talmud; see Rashi manuscript). In addition, Rashi (on *Rosh HaShana* 9a) writes that one could have derived from here that only these particular labors are prohibited on Shabbat and all others are permitted. Consequently, the verse is interpreted as referring to the Sabbatical Year rather than to Shabbat.

**Your field you shall not sow, and your vineyard you shall not prune** – שְׂדֵךְ לֹא תֹרַע וְכַרְמְךָ לֹא תֹמַר: *Tosafot* explain that the proof that reaping is prohibited is actually from the next verse: “That which grows of its own accord of your harvest you shall not reap” (Leviticus 25:5). Once it has been proven that the prohibition against reaping mentioned in the verse in Exodus must teach something beyond the prohibition during the Sabbatical Year itself, the same must be true of the prohibition against plowing mentioned in that verse. Some say that the proof is actually from another, more general verse: “Then shall the land keep a sabbath to the Lord” (Leviticus 25:2), but the Gemara cited a verse that people are more familiar with (*Talmid Rabbeinu Yehiel of Paris*).