



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Rosh Hashanah Daf Tes Vuv

- **R' Yochanan** asked **R' Yannai**, is the rosh hashanah of an esrog tree in Tishrei or Shevat? He answered, it is Shevat. He asked, is it the month of Shevat according to the moon, or according to the seasons (the sun)? **A:** He answered, according to the months of the moon.
  - **Q: Rava** asked **R' Nachman**, in a leap year, is the extra month considered to be Shevat or Adar? **A:** He answered, even in a leap year we follow as in a typical year and the rosh hashanah for the trees is in Shevat.
- **Rabbah** said, an esrog grown in the 6<sup>th</sup> year that was picked in the 7<sup>th</sup> year is patur from ma'aser (as a shmitta fruit), and is patur from the "bi'ur" obligation (which applies to shmitta fruit). An esrog grown in the 7<sup>th</sup> year that is picked in the 8<sup>th</sup> year is patur from ma'aser and obligated in the mitzvah of bi'ur.
  - **Q: Abaye** asked, in the first case, if it is patur from bi'ur, it must be because **Rabbah** says we follow the budding of an esrog to determine its year. If so, why is it patur from ma'aser!? **A: Rabbah** answered, since he has a single esrog tree among all his hefker produce, even though the esrog is grown in the 6<sup>th</sup> year and is therefore not considered ownerless, it is practically impossible for him to stop people from taking from the tree, and we therefore say it is patur from ma'aser as hefker.
  - **R' Hamnuna** says, an esrog grown in the 6<sup>th</sup> year that was picked in the 7<sup>th</sup> year is considered to be fruit of the 6<sup>th</sup> year in all respects. Esrogim grown in the 7<sup>th</sup> year that are picked in the 8<sup>th</sup> year are considered to be fruit of shmitta in all respects.
    - **Q:** A Braisa says, **R' Shimon ben Yehuda** said in the name of **R' Shimon**, an esrog grown in the 6<sup>th</sup> year that was picked in the 7<sup>th</sup> year is patur from ma'aser and bi'ur, because something will only be chayuv in ma'aser if it grew and was picked at a time of obligation. An esrog that was grown in shmitta and picked in the 8<sup>th</sup> year is patur from ma'aser and bi'ur, because only something that was grown and picked in shmitta is subject to bi'ur. The first ruling is difficult according to **R' Hamnuna**, and the second ruling is difficult according to **Rabbah** and **R' Hamnuna**!? **A:** It is actually a machlokes among Tannaim, as can be seen in a Braisa. A Braisa says, **R' Yose** said that **Avtulmus** testified in the name of 5 Elders that an esrog is subject to ma'aser based on when it is picked. However, the **Rabanan** of Usha said that it is subject to ma'aser *and shmitta* based on when it is picked. Obviously, it must be that **Avtulmus** said we follow the year it was grown for purposes of shmitta, and this is the view followed by **Rabbah and R' Hamnuna**.
  - **R' Yochanan and Reish Lakish** both say, an esrog grown in the 6<sup>th</sup> year and picked in the 7<sup>th</sup> year is considered to be fruit of the 6<sup>th</sup> year for all purposes. **Ravin in the name of R' Yochanan** said, even if the esrog was the size of an olive in the 6<sup>th</sup> year and became the size of a loaf of bread in the 7<sup>th</sup> year, it is still subject to ma'aser.
- A Braisa says, a tree whose fruits budded before the 15<sup>th</sup> of Shevat is subject to ma'aser of the previous year. If the fruits budded after the 15<sup>th</sup> of Shevat, it is subject to ma'aser of the coming year. **R' Nechemya** said, that is only true of a tree that produces 2 "breichos" (the term used to describe when a bird gives birth) each year.
  - **Q:** What does the term "breichos" have to do with trees? **A:** It refers to a tree that has a situation similar to 2 breichos, meaning that the fruit ripens in groups over time.

- **R' Nechemya** continues, that a tree that has only one “breicha”, such as a date tree, an olive tree and a carob tree, even if their fruit budded before the 15<sup>th</sup> of Shevat and are picked after that date, they are subject to ma'aser of the coming year.
  - **R' Yochanan** said, the custom of people is to follow **R' Nechemya** when dealing with a carob tree.
    - **Q: Reish Lakish** asked, a Mishna says that “bnos shuach” are subject to shmitta in the year they are grown, not when they are picked!? **A: R' Yochanan** remained silent.
    - **Q: R' Abba the Kohen** asked, why didn't **R' Yochanan** just say that the Mishna follows the **Rabanan**, and is therefore not difficult, because **R' Nechemya** argues with them!? **A: R' Yose the Kohen** answered, because it would not make sense for **R' Yochanan** to say that he favors **R' Nechemya** over the **Rabanan**.
    - **Q: R' Yochanan** could have answered that he agrees that it is assur, but he was just saying that the people have adopted the custom to follow **R' Nechemya**!? **A: Reish Lakish** would have responded, how could you allow a custom that goes against the Halacha!?
    - **Q: R' Yochanan** could have answered that he was discussing ma'aser on carobs, which is only D'Rabanan (and is therefore meikel), but would agree in the case of shmitta, which is D'Oraisa!?
      - Based on this, **R' Abba Kohen** said, I doubt that **Reish Lakish** ever asked this question (from the Mishna) to **R' Yochanan**.
      - **Q: We see that he did ask it!**? **A: He meant**, that he wonders whether **R' Yochanan** ever accepted the question as being a valid question.