

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf ט'---14-----

- A Braisa says, **R' Yose Haglili** says, the pasuk of “b'aspicha migarnicha u'miyikvecha” compares the “gatherings” to what is taken from the threshing floor (grain) and the winepress (grapes). This teaches that just like grain and grapes grow from the previous year's rain and are subject to the ma'aser of the previous year, so too anything that grows from the rain of the previous year is subject to the ma'aser of the previous year. This excludes vegetables, which grow from the rainwater of the current year, and are therefore subject to ma'aser of the current year. **R' Akiva** says, the comparison of the pasuk teaches that just like grain and grapes grow only on rainwater and are subject to ma'aser of the previous year, so too anything that grows only on rainwater is subject to ma'aser of the previous year. This excludes vegetables, which are watered in addition to rainwater, and are therefore subject to ma'aser of the current year.
 - **Q:** What is the practical difference between these shitos? **A: R' Avahu** said, it is the subject of a Mishna. The Mishna says that certain onions and Egyptian beans (which are normally watered) which one did not water for 30 days before Rosh Hashanah, are considered to be the produce of the previous year, not of the coming year. **R' Yose** would agree with this Halacha (because they only grew on last year's water). **R' Akiva** would say that they are considered to be the produce of the coming year.

B'ECHAD B'SHVAT ROSH HASHANAH L'ILAN

- **Q:** Why is Shevat the rosh hashanah for the trees? **A: R' Elazar in the name of R' Oshaya** said, because most of the rain for the season has already fallen, and most of the winter is yet to come.
 - The Gemara explains this to mean, that *even though* most of the winter is still to come, since most of the rain has already fallen, the trees have begun to produce their fruit.
- A Braisa says, **R' Akiva** followed the chumros of **B"S** and **B"H** by giving ma'aser sheni and ma'aser ani for an esrog that he picked on Rosh Chodesh Shevat (according to **B"S** that is the beginning of the next year and according to **B"H** the next year for these purposes does not begin until the 15th of Shevat). **R' Yose bar Yehuda** said, he was not following **B"S** and **B"H**, rather he was following the minhag of **R' Gamliel** and **R' Eliezer**, who argue in a Mishna. The Mishna says that **R' Gamliel** says that an esrog is subject to ma'aser in the year that it is picked, and **R' Eliezer** says it is the year that it budded (like the fruit of every other tree). It is because of this machlokes that **R' Akiva** gave both ma'asros (he didn't know who to pasken like).
 - **Q:** How could the **T"K** say that **R' Akiva** was following the chumra of **B"S** and **B"H**, when a Braisa says that one should not follow the chumra of each!? **A: R' Akiva** wanted to hold like **B"H**, but he did not remember whether **B"H** said the rosh hashanah is the 1st of Shevat or the 15th of Shevat.
 - **Q:** According to **R' Yose bar Yehuda**, the only way we can say there is a difference between **R' Gamliel** and **R' Eliezer** regarding an esrog that is picked on the first of Shevat is if we hold like **B"S** (because according to **B"H** the growing and the picking happened before the 15th of Shevat, and therefore happened in the same year)!? **A: R' Chanina** said, we are discussing an esrog that grew before the 15th of Shevat of the previous year and was picked on the following 1st of Shevat (according to **B"H**, the growing and picking happened in two separate years, and is therefore subject to the machlokes between **R' Gamliel** and **R' Eliezer**). **A2: Ravina** said, **R' Yose bar Yehuda** actually said that the esrog was picked on the 15th of Shevat, and was therefore subject to the machlokes between **R' Gamliel** and **R' Eliezer**.
 - **Rabbah bar R' Huna** said, according to **R' Gamliel** that an esrog is subject to ma'aser when it is picked (like a vegetable), its rosh hashanah is Tishrei (like that of a vegetable).
 - **Q: R' Shimon ben Elazar** says in a Braisa that the 15th of Shevat is the determining factor (i.e. the rosh hashanah) for what ma'aser is given for the fruits of an esrog tree when they are picked. Now **R' Gamliel** is the one who says that we follow the time the esrog is picked, and yet **R' Shimon** says that the 15th of Shevat is the rosh hashanah!? **A:** It must be that **Rabbah bar R'**

Daf In Review – Weekly Chazarah

Huna said, even according to **R' Gamliel** who says that an esrog is subject to ma'aser when it is picked (like a vegetable), its rosh hashanah is in Shevat, like a fruit tree.

-----Daf 10---15-----

- **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 6th year that was picked in the 7th 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 7th year that is picked in the 8th 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 6th 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 6th year that was picked in the 7th year is considered to be fruit of the 6th year in all respects. Esrogim grown in the 7th year that are picked in the 8th 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 6th year that was picked in the 7th 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 8th 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 **Avtulumus** 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 **Avtulumus** 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 6th year and picked in the 7th year is considered to be fruit of the 6th year for all purposes. **Ravin in the name of R' Yochanan** said, even if the esrog was the size of an olive in the 6th year and became the size of a loaf of bread in the 7th year, it is still subject to ma'aser.
- A Braisa says, a tree whose fruits budded before the 15th of Shevat is subject to ma'aser of the previous year. If the fruits budded after the 15th 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 15th 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:**

Daf In Review – Weekly Chazarah

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.

-----Daf תו-----16-----

MISHNA

- The world is judged at 4 times during the year: On Pesach for the grain, on Shavuot for the fruits of the trees, on Rosh Hashanah all of the world comes before Hashem as “bnei maron”, and on Succos for the water.

GEMARA

- **Q: Which grain is judged on Pesach? If it is the grain that is already grown in the field, then when did it get judged for anything that had happened to them up to that point? A: It must be for the grain that will be planted after that Pesach.**
 - **Q: A Braisa** seems to suggest that the grain is judged more than on just one Pesach, because it says that if something happens to a crop before Pesach, that was decided on the past year's Pesach, and if it happens after Pesach, that was decided on this year's Pesach!? **A: Rava** said, it must be that each crop undergoes 2 days of judgment.
 - **Abaye** said, based on this, if one sees success with his early planted grain, he should quickly plant more that will grow before the next Pesach, because it must be that the past Pesach resulted in a favorable judgment.
- **Q: Our Mishna** seems not to follow any Tanna of a Braisa? A Braisa says, **R' Meir** says, all is judged on Rosh Hashanah and signed off on Yom Kippur. **R' Yehuda** says, everything is judged on Rosh Hashanah, and is then signed off at various times: the grain is signed off for on Pesach, the fruit on Shavuot, the water on Succos, and people on Yom Kippur. **R' Yose** says a person is judged every day, based on the pasuk of “Vatifikidenu labikarim”. **R' Nosson** says that a person is judged at every moment, based on the pasuk of “L'rigalim tivchanenu”. We can't say that the Mishna follows **R' Yehuda**, and the Mishna is giving the times that the judgment is signed off, because the Mishna says a person is judged (which based on this understanding, would mean the judgment is signed off on Rosh Hashanah), and **R' Yehuda** says that sign-off takes place on Yom Kippur!? **A: Rava** said, our Mishna follows the Tanna of the yeshiva of **R' Yishmael**, who says just like our Mishna, and only adds that a person's judgment is sealed on Yom Kippur. Our Mishna is discussing the judgment, not the sealing of the judgment.
 - **Q: R' Chisda** asked, why does **R' Yose** not say like **R' Nosson**? It must be because he feels that the word “tivchanenu” does not refer to “judgment”, but rather means that Hashem looks into a person's deeds. If so, the word of the pasuk that he brought down, “tifkidenu”, also doesn't mean judgment, so why does he base his opinion on that pasuk? **A: R' Chisda** said, his source is the pasuk of “laasos mishpat avdo u'mishpat amo dvar yom b'yomo”.
 - **R' Chisda** said, based on this pasuk, a king is taken to be judged before ordinary people. Some say this is done so as not to make the king wait, and others say so that the king is judged first, before Hashem's anger increases.

Daf In Review – Weekly Chazarah

- **R' Yosef** said, today, that we daven for sick and weak people to be healed, that is done according to **R' Yose** (who says a person is judged every day). We can also say that it is even done according to **Rabanan**, based on **R' Yitzchak** who says that crying out is beneficial for a person before and after judgment has been passed.
- A Braisa says, **R' Yehuda in the name of R' Akiva** said, the Torah said to bring the Omer on Pesach because that is when we are judged on the grain, and Hashem instructs to bring the Omer so that favorable judgment be passed on the grain. This is also the reason we bring the Shte Halechem on Shavuot when we are judged on the fruits, and why we offer water on the Mizbe'ach on Succot, when we are judged regarding water. This is also the reason we say malchiyot, zichronot, and shofrot when we are being judged on Rosh Hashanah
 - **R' Avahu** said, why do we use the shofar of a ram on Rosh Hashanah? It is because by doing so, we “remind” Hashem of the Akeidah of Yitzchak, and Hashem considers it as if we too have gone through an akeidah.
 - **R' Yitzchak** explained, the reason we blow shofar before Shemonah Esrei and then again during Shemonah Esrei is to confuse the Satan (it shows how much we love the mitzvot and it takes away his power to prosecute).
 - **R' Yitzchak** said, in a year where there is no shofar blowing in the beginning (on Rosh Hashanah), there will be sounds of crying at the end, because the Satan did not get confused, and will therefore be able to prosecute.
 - **R' Yitzchak** said, any year where the Yidden act poor in the beginning (they beg and daven on Rosh Hashanah), will turn out to be a prosperous year (based on the spelling in the pasuk of “meireishis (which could mean poor) hashanah” and “achris” which could be used to describe a bright future).
 - **R' Yitzchak** said, a person is only judged for his current actions (not his future ones), based on the pasuk of “ba'asher hu sham”.
 - **R' Yitzchak** said, 3 things cause a person's aveiros to be remembered by Heaven: passing under a leaning wall, a person thinking that he deserves his tefillos to be answered, and one who davens that Hashem punish another person.
 - **R' Yitzchak** said, 4 things cause the removal of a bad decree from a person: tzedaka (“tzedakah tatzil mimaves”), crying out (“vayitzaku ehl Hashem batzar lahem...”), changing a name (as we see from Sarai to Sarah), and changing one's actions (as we see from the people of Ninveh). Others add, also a change of place, as we see that Avrohom moved to Eretz Yisrael and had children and much success there.
 - Those who don't say this last method, feel that it was the merit of Eretz Yisrael, not the move, that brought the children and success.
 - **R' Yitzchak** said, a person is obligated to visit his rebbi on Yom Tov, as we find that the husband of the Shunamis woman asked her why she was traveling to the navi if it wasn't Yom Tov. We see that if it was Yom Tov, it would have made sense that she was going.
 - **R' Yitzchak** said, a person is obligated to make himself tahor for the Yom Tov.
 - **R' Krupidai in the name of R' Yochanan** said, there are 3 books open on Rosh Hashana: one for the tzadikim who are written and sealed for life, one for the reshaim who are written and sealed for death, and one for the “beinanim” (the people in between) who hang in the balance until Yom Kippur, and if they are deserving then, they are written to life. If not, they are written to death.
 - A Braisa says, **B”S** say, there are 3 groups for the Day of Judgment (at the time of techiyas hameisim): the tzadikim, who are written and sealed for eternal life; the reshaim, who are written and sealed for gehinom; and the beinanim, who go to gehinom for a short time and are then taken out. **B”H** say, the pasuk of “v'ra'v chessed” teaches that even for the beinanim Hashem “tips the scale” in their favor, and prevents them from going to gehinom.

-----Daf 17-----

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Daf In Review – Weekly Chazarah

teaches that even for the beinanim Hashem “tips the scale” in their favor, and prevents them from going to gehinom. This is what Dovid was discussing when he said “Ahavti ki yishma Hashem...”, and “Dalosi v’li yehoshiya”. The Braisa continues, Yidden who sin with their bodies and goyim who sin with their bodies, go to gehinom for 12 months. After that time, their bodies are destroyed and their souls are burned, and Hashem scatters them under the feet of the tzaddikim. Heretics, informers, and apikursim who deny the Torah or techiyas hameisim, and those who separate from the tzibbur, or put their fear into the land of the living, or who sin and cause others to sin, they go to gehinom and remain there for eternity. They are dealt with so severely, because they cause the destruction (and prevent the rebuilding) of the Beis Hamikdash.

- **R’ Yitzchak bar Avin** said, the people who are put into gehinom for a short time before going to Gan Eden have their faces become darkened from gehinom.
- **Q:** How could **B”H** say that the pasuk of “v’rav chesed” teaches that Hashem tips the scale for them when another pasuk says that this group is first put into gehinom and then taken out? **A:** This other pasuk is dealing with Yidden who sin with their bodies.
 - **Q:** We said that such people are totally destroyed and scattered!? **A:** That is only if they have more aveiros than mitzvos. If they are even, they are put into gehinom and then brought out. If they are even and haven’t done aveiros with their bodies, then Hashem tips the scales in their favor.
- **Rava** explains “Ahavti ki yishma Hashem” – Klal Yisrael says, we are beloved to You, Hashem, when You listen to our tefillos. “Dalosi v’li yehoshiya” – even though we are poor with mitzvos, we belong to You, so please save us.
- **Q:** What is meant by “Yidden who sin with their bodies”? **A: Rav** said, like one who didn’t wear tefillin.
- **Q:** What is meant by “Goyim who sin with their bodies”? **A: Rav** said, people who sin with z’nus.
- **Q:** What is meant by people who put their fear into the land of the living? **A: R’ Chisda** said, it refers to a leader who unnecessarily instills fear on the people, not for the sake of Heaven.
 - **R’ Yehuda in the name of Rav** said, one who does so will not merit a son who is a Talmid Chochochom.
- **Q:** How does Hashem go about tipping the scale in the person’s favor? **A: R’ Eliezer** said, He pushes down the side of the mitzvos. **R’ Yose bar Chanina** said, He lifts up the side of the aveiros. The yeshiva of **R’ Yishmael** said, He removes the first aveiros before they go onto the scale. However, **Rava** said, if there turns out to be more aveiros than mitzvos, those aveiros are put onto the scale and he gets punished for them as well.
- **Rava** said, one who does not take revenge and allows the one who harmed him to go on, is awarded forgiveness for all his aveiros, based on the pasuk of “Nosei avon v’over ahl peshah”.
 - **R’ Huna the son of R’ Yehoshua** was sick and **R’ Pappa** went to visit him. He saw the situation was grave and told the people to prepare for **R’ Huna’s** passing. **R’ Huna** actually got better. He explained, that he was saved because he was one who would not take revenge.
 - **R’ Acha bar Chanina** said, the pasuk says this only applies for “she’eiris nachalaso” – for ones who humble themselves like “leftovers”.
 - **Q:** There are a number of pesukim that suggest that Hashem is very exact in His Judgment, and a number which suggest that Hashem uses chessed in Judgment!? **A:** Initially Hashem is very exact. When He sees that people cannot exist like that, He uses chessed.
- The pasuk says “Vayavor Hashem ahl Panav vayikra”. **R’ Yochanan** said, the pasuk teaches that Hashem “wrapped Himself” in a talis, as a chazzan, and taught Moshe the order of the Shlosh Esrei Midos of Rachamim. Hashem told him, whenever the Yidden sin, say this tefilla and I will forgive them.
 - The pasuk begins: “Hashem, Hashem”. Hashem said, “I am the same Hashem before one sins, and the same Hashem after one sins and does teshuva”.
 - “Keil Rachum V’Chanun” – **R’ Yehuda** said, there is a bris made, that saying these 13 Midos will never turn away someone empty handed.
- **R’ Yochanan** said, teshuva is so great that it rips up a bad decree, as can be seen from a pasuk.

Daf In Review – Weekly Chazarah

- **Q: R' Pappa** asked, maybe the pasuk speaks of before a decree was finalized!? **A: Abaye** said, the pasuk says that a refuah is brought. This means that teshuva helps even after the decree has been finalized.
- **Q:** A Braisa says that teshuva helps before Yom Kippur, but not after (since the decree was finalized)!? **A:** An individual can't change a finalized decree, but a tzibbur can.
- **Q:** A Braisa says, if the Yidden were not good, which causes Hashem to decree that there should be minimal rainfall, and the Yidden then did teshuva, Hashem makes the minimal rainfall come at the most opportune times and in the most needed places, and in that way helps the Yidden. According to **R' Yochanan**, why doesn't Hashem just change the decree!? **A:** That case is different, since it is possible to save the Yidden without changing the decree.
- **Q:** A Braisa learns from a perek in Tehillim that only calling out to Hashem before a decree is finalized will help, not afterwards!? **A:** The perek discusses a group of sailors, who are considered to be a bunch of individuals, not a tzibbur.
- **Q:** A Braisa says that a question was asked to **R' Akiva**, that one pasuk says that Hashem doesn't show favor and another pasuk says that Hashem does? **R' Akiva** answered that Hashem only shows favor before a finalized decree. Once a decree is finalized, no favor is shown and it cannot be overturned. This is problematic for **R' Yochanan**!? **A:** This Braisa is also talking about an individual, not a tzibbur.

-----Daf 17-----18-----

- The issue of whether or not an individual can overturn a finalized decree is actually a machlokes among Tanna'im. A Braisa says, **R' Meir** says, there can be two people facing equally grave situations, where one is saved from death and the other is not. The reason why one is saved is because he davened a more complete tefilla, whereas the other did not. **R' Elazar** says, the reason one may be saved would be because he did not yet have a finalized decree against him, whereas the other did. **R' Yitzchak** says, crying out in tefilla is beneficial before and even after a finalized decree.
- **Q:** How can we say that a tzibbur can overturn a finalized decree? There is a pasuk which suggests that teshuva would save the destruction of Yerushalayim, and another pasuk that suggests it would not. Presumably, the first pasuk discusses before the finalized decree and the second pasuk discusses after the finalized decree, and we see that it cannot be overturned even by a tzibbur!? **A:** Both pesukim refer to after a finalized decree. The first pasuk is discussing a decree without an accompanying promise, whereas the second pasuk refers to a decree with an accompanying promise. This concept was stated by **R' Shmuel bar Ami**, who says a decree accompanied by a promise cannot be overturned, as is taught to us by the decree and accompanying promise made be Hashem to never forgive the family of Eili for the aveiros that they did, even if many korbanos are offered.
 - **Rava** said, although forgiveness would not come about through korbanos, it could come about through Torah learning. **Abaye** said, forgiveness could come about for them through Torah learning and ma'asim tovim.
 - **Rabbah and Abaye** came from the family of Eili. **Rabbah**, who learned Torah, lived for 40 years. **Abaye**, who learned Torah and did gemilas chasadim, lived for 60 years.
 - A Braisa says, there was a family in Yerushalayim who would die when they reached 18 years old. **R' Yochanan ben Zakai** told them, you must be from Eili's family. Learn Torah and you will live. They learned, and they lived longer.
- **R' Shmuel bar Inya in the name of Rav** said, we learn from a pasuk that the decree against a tzibbur can always be overturned.
 - **Q:** Another pasuk says "dirshu Hashem b'himatzo", which suggests that one must call out to Hashem when He is near (i.e. before the decree is finalized)!? **A:** That refers to an individual.
 - **Q:** When is the time that Hashem is "near" for individuals? **A: Rabbah bar Avuha** said, this refers to the aseres yimei teshuva.

Daf In Review – Weekly Chazarah

- A pasuk says that Hashem waited for 10 days before punishing Naval. **R' Yehuda in the name of Rav** said, these 10 days were in the zchus of the 10 meals that he gave to Dovid's servants. **R' Nachman in the name of Rabbah bar Avuha** said, these were the aseres yimei teshuva, and Hashem was waiting to see if Naval would do teshuva.

B'ROSH HASHANAH KOL BA'EI HA'OLAM OVRIN LEFANAV KIVNEI MARON

- In Bavel they said "bnei maron" means like sheep. **Reish Lakish** said it means in single file, like those walking along the narrow "maron" path. **R' Yehuda in the name of Shmuel** said, it means single file, in the way that the soldiers of Dovid would go.
 - **Rabbah bar Chana in the name of R' Yochanan** said, even so, all are judged with one look of Hashem.
 - **R' Nachman bar Yitzchak** said, this is also what is meant by the pasuk brought in the Mishna, "hayotzer yachad libam..."

MISHNA

- For 6 months of the year, Beis Din would send messengers to inform the people when Rosh Chodesh of that month had taken place: on Nisnon they did so for Pesach, on Av for the fast of Tisha B'Av, on Elul for Rosh Hashanah, on Tishrei for the other Yomim Tovim of the month, on Kislev for Chanuka, and on Adar for Purim. When the Beis Hamikdash stood, they would also send on Iyar for Pesach Sheini.

GEMARA

- **Q:** Why don't they send messengers in Tamuz and Teves for the fast days of those months? **A: R' Pappa** said, these fasts are not obligatory when there is no decree to kill the Yidden. Therefore, they are not listed.
 - **Q:** The fast of Tisha B'Av is mentioned in the same pasuk as the other fasts, and therefore should be treated in the same way!? **A: R' Pappa** said, Tisha B'Av is treated differently because it is the day of many bad occurrences having taken place.
- A Braisa says, **R' Shimon** said that he argues on how **R' Akiva** darshens the 4 fasts referred to in the pasuk. **R' Akiva** explained the pasuk as follows: "The fast of the fourth" refers to the 9th day of Tammuz, which was when the city of Yerushalayim was breached, and it is referred to as "the fourth" because it is the 4th month of the year; "the fast of the fifth" refers to Tisha B'Av, because it is the 5th month of the year; "the fast of the seventh" refers to Tzom Gedalya, which was in the 7th month (Tishrei); and the "fast of the tenth" refers to Asara B'Teves, which is in the 10th month of the year, and when the siege on Yerushalayim began. Although they are not listed in chronological order in the pasuk, they are listed in this way so that they are listed in order of the months of the year. **R' Shimon** darshens the pasuk differently: "The fast of the tenth" refers to the 5th of Teves, which is when the Yidden in galus found out that Yerushalayim was destroyed. **R' Shimon** says, my way of understanding makes more sense, because according to me the pasuk is in chronological order.
- **R' Huna and R' Chinina** say that the Megilas Taanis (a listing of smaller Yomim Tovim when it was assur to fast and make hespeidim) became batel. They say that just like the pasuk (mentioned earlier) says that the fast days are only fast days when there is no Beis Hamikdash, so too these Yomim Tovim are only kept when there is a Beis Hamikdash. **R' Yochanan and R' Yehoshua ben Levi** say that the Megillas Taanis was not batul, because it is not subject to the same restrictions as the fasts which are mentioned in the pasuk.
 - **Q: R' Kahana** asked, a Braisa says that they were once goizer a fast on Chanukah (which is one of the Yomim Tovim listed in Megillas Taanis) and **R' Eliezer and R' Yehoshua** told them they were wrong for doing so. We see that the Yom Tov in Megillas Taanis continues to exist after the Churban!? **A: R' Yosef** said, Chanukah is treated differently because there is a mitzvah associated with that Yom Tov (i.e. lighting the menorah).
 - **Q: Abaye** asked, why doesn't Chanukah and its mitzvah become batul? **A: R' Yosef** said, Chanukah is treated differently because it publicizes the miracles that took place, and we don't want to put a stop to that.
 - **Q: R' Acha bar Huna** asked, in Megillas Taanis it mentions that the 3rd of Tishrei is a Yom Tov, because it was on that day that the people stopped writing Hashem's Name in mundane documents (which led to

Daf In Review – Weekly Chazarah

improper treatment of the written Name). Now, this presumably took place after the Churban, and days were still being added to the Megillas Taanis. Clearly then, the original days were not batul!? **A:** This refers to the time when the Beis Hamikdash still stood.

- **Q:** The 3rd of Tishrei was already a Yom Tov during the second Beis Hamikdash (because it was initially a fast day of Tzom Gedalya, which we said becomes a Yom Tov when the Beis Hamikdash stands). If so, why did they need to make the same day as another Yom Tov!? **A: Rav** said, they did so, so that the day before would be assur to fast on as well.
 - **Q:** The day before (i.e. the 2nd of Tishrei) is the day after Rosh Chodesh, which is anyway assur to fast, since it is the day following the Yom Tov of Rosh Chodesh!? **A:** Rosh Chodesh is a D'Oraisa, and the **Rabanan** therefore did not feel the need to make it assur to fast on the day after as a way to strengthen the importance of the Yom Tov.
 - **Q:** The day before should be assur to fast anyway because it was the day before Tzom Gedalya (which itself became a Yom Tov according to the pasuk)!? **A: R' Ashi** said, Tzom Gedalya was instituted by the Nevi'im (not the **Rabanan**), and it therefore has the status of a D'Oraisa in the sense that the day before need not be assur to fast.

-----Daf 19-----

- **Q: R' Tovi bar Masna** asked, we find that one of the days in Megillas Taanis was instituted on the 28th day of Adar, when **Yehudah ben Shamu'ah** helped to remove the Roman decree which outlawed Torah learning, bris milah, and keeping Shabbos. Now, **Yehuda ben Shamu'ah** was a talmid of **R' Meir**, who himself lived after the Churban. If the Megillas Taanis became batel, new Yomim Tovim would not have been added!? **A:** It is actually a machlokes among Tanna'im in a Braisa whether the Megillas Taanis became batul after the Churban – **R' Meir** says it did not, and **R' Yose** says that it did.
 - The Gemara paskens that it did become batul, and then paskens that it did not become batul. The Gemara explains, it did not become batul with regard to Chanukah and Purim, but it did become batul with regard to all other Yomim Tovim.

AHL ELUL MIPNEI ROSH HASHANAH...

- **Q:** Once we know when Elul is, why do we need to send messengers for Tishrei? **R' Chinina bar Kahana in the name of Rav** said that from the times of Ezra, Elul never had more than 29 days!? **A:** It never had more than 29 days because it was never needed for it to have more than 29 days, but if it would be needed, there would be 30 days. That is why messengers had to be sent, to let all know that there were only 29 days.
 - **Q:** If Elul were to be made 30 days, all the people who were notified of Elul would be keeping Rosh Hashanah on the wrong day (because they would keep Rosh Hashanah based on the assumption that Elul was 29 days)!? **A:** When faced with the choice, we would rather risk Rosh Hashanah being observed on the wrong day, than the remaining Yomim Tovim not falling out in their proper time.

V' AHL KISLEV MIPNEI CHANUKAH V' AHL ADAR MIPNEI PURIM

- The Mishna does not mention that on a leap year they send messengers on the second Adar for Purim as well. This does not follow **Rebbi**, who says that on a leap year they would send messengers on the second Adar for Purim.
 - **Q:** Maybe our Mishna and **Rebbi** argue whether one who did the mitzvos of Purim in the first Adar (and not the second) is yotzeh the mitzvos? Our Mishna would say he is yotzeh and **Rebbi** would say that he is not? **A:** All agree that the mitzvos must be done in the second Adar. The machlokes is, that our Mishna holds like the **T"K** of a Braisa who says that in a leap year the first Adar is always 30 days (so there is no need to send out messengers once they were already informed regarding the first Adar), and **Rebbi** holds like **R' Shimon ben Gamliel** of the Braisa, who says that the first Adar is "a month", which **R' Pappa** explains to mean, that it may sometimes be 29 days and sometimes 30 days.
 - **R' Yehoshua ben Levi** testified in the name of the people of Yerushalayim, that in a leap year, both Adars only have 29 days. This argues on **R' Nachman bar Chisda** who said that **R' Simai** testified in the name of **Chagai, Zecharya, and Malachi**, that in a leap year, the Adars may be 29 days, 30 days, or even

Daf In Review – Weekly Chazarah

- one having 29 days and the other having 30 days. In the name of **Rav** it was said that we are to always have one of 29 days and one of 30, unless they send from Eretz Yisrael stating differently.
- It was sent to **Mar Ukva**, that the second Adar is always 29 days.
 - **Q: R' Nachman** asked, a Mishna says that witnesses who have seen the new moon travel to Yerushalayim even if it entails Chillul Shabbos, for 2 months of the year – Nisnon and Tishrei. If there are always 29 days in the Adar that precedes Nisnon, why do we need them to be mechalel Shabbos to come and give testimony? **A:** Even though we know, there is still a mitzvah for Rosh Chodesh to be established based on the witness of the new moon.
 - **Others** say that **R' Nachman** brought this Mishna as a proof. It must be that the second Adar always has 29 days, and because there is a mitzvah to declare Rosh Chodesh based on witnesses, we allow them to be mechalel Shabbos to come, since we must make Rosh Chodesh on Day 30, and can't wait until Day 31. However, if the second Adar can at times be 30 days, we would have them wait to come until after Shabbos, and in that way not have them be mechalel Shabbos!
 - The Gemara says, the Mishna may be discussing where Day 31 fell on Shabbos, and that is when we allow them to be mechalel Shabbos, so there is no proof.
 - **Q: R' Kahana** asked, a Mishna says that when the Beis Hamikdash is in existence, we allow them to be mechalel Shabbos for witnessing the moon of every month so that we set Rosh Chodesh at its proper time and bring the proper korbanos. This proves that reason we allow them to be mechalel Shabbos is not because it is a mitzvah to declare Rosh Chodesh based on witnesses! **A: TEYUFTA** of the view that the second Adar is always 29 days.

-----Daf 20-----

- When **Ulla** went to Bavel he said that they made Elul 30 days in Eretz Yisrael. He then said that this was a big favor that was done for the people of Bavel.
 - **Ulla** explained the favor as being that the extra day allowed for there to be a weekday between Yom Tov and Shabbos, thereby allowing fresh vegetables to be picked. **R' Acha bar Chanina** said the extra day allowed a weekday in between Shabbos and Yom Kippur, which assured that a meis would not remain unburied for 2 straight days.
 - The point of difference between the 2 reasons would be when Yom Kippur falls on Sunday. According to **R' Acha bar Chanina**, an extra day should be added to allow for burials. According to the reason of having fresh vegetables, since one cannot eat after Shabbos until after Yom Kippur, we would not add an extra day, because fresh vegetables can be picked after Yom Kippur.
 - **Q:** Why wouldn't **Ulla** agree that an extra day should be used even in that case, to allow for proper and timely burials? **A:** It must be that the difference between the reasons is when Yom Tov falls on Friday or Sunday. There is the concern of the vegetables, but there is no burial concerns, because burials can be done with goyim on Yom Tov.
 - **Q:** Why wouldn't **R' Acha** agree that an extra day should be used even in that case to allow for picking of fresh vegetables? **A:** The vegetables can be soaked in hot water to be freshened up again.
 - **Q:** Based on these reasons, why did **Ulla** say it was a favor "for the people of Bavel"? It is equally as much of a favor for the people of Eretz Yisrael!? **A:** Bavel is a hotter place, and the 2 concerns are more prevalent there.
 - **Q:** It seems that we are adding a day to help fill a communal need. How can that be done? **Rabba bar Shmuel** taught a Braisa that a day may not be added for that reason!? **A:** The Braisa is discussing making a month 29 days for a communal need. That is what may not be done. However, making a month 30 days may be done. In fact, we find that

Daf In Review – Weekly Chazarah

R' Yehoshua ben Levi says, we scare the witnesses to try and push them off and add an additional day to a month, but we don't scare them so that we should bring Rosh Chodesh a day early.

- **Q: R' Yehuda Nesiah** sent to **R' Ami** that **R' Yochanan** said we scare the witnesses into saying that they saw the moon if we need the outgoing month to only be 29 days!? **A: Abaye** said, we would do this for Nisnon and Tishrei, but not for the other months.
- **A:** We can also say that the Braisa of **Rabbah bar Shmuel** follows the view of the **Acheirem**, who say that every year has the same amount of days, and we do not engage in any manipulation.
- **R' Dimi** from Neharda'ah said that we only scare witnesses to testify so that the preceding month should have 29 days. We never do that to delay and make the previous month into a 30 day month. The reason is, causing a delay when people have actually seen the new moon looks like Beis Din is being less than truthful.
- **Shmuel** said, I have the ability to establish the proper dates of Rosh Chodesh for all of the world (meaning that he was an expert in astronomy and could calculate the exact times of the new moon, without the need for witnesses). **Abba**, the father or **R' Simlai**, said to him, do you know the meaning of the Braisa that makes a difference whether the "molad" occurs before chatzos or after chatzos? **Shmuel** said that he did not know. **Abba** said, if you do not know this, there are surely other things that you do not know as well.
 - When **R' Zeira** went to Eretz Yisrael, he sent a message that in order for a day to be Rosh Chodesh, the new moon must have already existed by the night and day. This is also the meaning of **Abba's** statement from the Braisa: Beis Din must calculate the molad – if the molad is before midday, then it is possible that the new moon is seen before that night and if witnesses come and testify, we can accept their testimony that that night may be Rosh Chodesh. However, if the molad occurs after midday, it is not possible for the new moon to be seen before nighttime (the new moon cannot be seen for at least 6 hours after the molad), and therefore, even if witnesses come and testify, that night (along with the next day) cannot be established as Rosh Chodesh.
 - **R' Ashi** explained, by calculating when the molad occurred, we can refute witnesses who say that they saw the new moon at a time when we know it is impossible for them to have seen it.
 - **R' Zeira in the name of R' Nachman** said, the moon is not visible for about 24 hours each month (some of the time right before the molad and some of the time right after the molad). In Bavel (given its geographical location) the moon is not visible for 6 hours before the molad ("of the old moon") and for 18 hours after the molad ("of the new moon"). In Eretz Yisrael, it is not visible for 18 hours before the molad and for 6 hours after the molad.
 - **R' Ashi** explained, this is important to know so that we can refute witnesses who say that they saw the moon at a time when we know it is not visible.
 - **Q:** How do we know that the new moon must exist by night and the following day for the day to become Rosh Chodesh? **A: R' Yochanan** says we learn it from the pasuk of "mei'erev ahd erev" (the Yom Tov begins from evening and lasts to the next evening). **Reish Lakish** says we learn it from the pasuk of "ahd yom ha'echad v'esrim lachodesh ba'erev" (we see that the day lasts until evening).
 - **Q:** What is the difference between these 2 answers? **A: Abaye** says there is no difference other than how we darshen the pesukim. **Rava** says the difference would be if the new moon was seen before midnight. According to **R' Yochanan**, it must be seen before nighttime. According to **Reish Lakish** (who learns it out from the pasuk regarding matzah), if it is seen before midnight, the following day could still be Rosh Chodesh.
- **R' Zeira in the name of R' Nachman** said, we always move a day of doubt forward. Meaning, that (as in galus) when we are uncertain as to what day is the 15th of the month (we are uncertain if an additional day was added to the previous month) and therefore the start of Yom Tov, we make Yom Tov on the 15th and 16th, not on the 14th.

Daf In Review – Weekly Chazarah

- **Q:** Why don't we make the 14th day Yom Tov as well, in case the past couple of months were of 29 days (and we were assuming that one was of 29 and the other was of 30)? **A:** If 2 months in a row were of 29 days, everyone would have heard about that. Since we didn't hear about that, we can assume that at least one of them was of 30 days.