

Daf Hashvuah Halacha Gemara and Tosfos Taanis Daf 13
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Daf 13a
New Sugya

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Rafram b. Pappa quotes R' Chisda: anytime (you have a prohibition to wash) because of mourning, like by Tisha B'av and by an actual mourning, he's forbidden to wash with either hot or cold water.

Tosfos quotes the Yerushalmi: Yosef b. R' Yehoshua b. Levi used to wash his hands on Tisha B'av and Yom Kippur, dry them on a handkerchief, and use that wetness to wipe over his eye. R' Yona soaked a rag and put it under his legs, i.e., he placed it under the cushion on his chair in order to moisten it, and then he wiped it over his eyes.

Anytime (you have a prohibition to wash) because you're not supposed to have pleasure; like a congregational fast, you're not allowed to wash with hot water, but you're permitted to wash with cold water.

Tosfos quotes Ravva: since we say that there is no congregational fasts in Babylonia except for Tisha B'av; you're allowed to wash with hot water even on the seventeenth of Tamuz and on the "fast of Gedalia." However, his father, R' Yoel, forbids to wash with hot water.

R' Idi b. Avin says that he also has a Mishna to that effect, since it says that they close the bathhouses. **(Tosfos explains: which has hot water.)** (So we see that they're only concerned with the hot water.) Abaya asked: (what's the alternative?) Should it had said that they dam up all the rivers (to prevent them from having cold water)?

Tosfos explains the question: if it would be prohibited to wash with cold water, would it say that you dam the rivers? After all, it's simple that you wouldn't dam up the river. Therefore, you can't make any inference from "closing the bathhouses."

R' Shisha b. R' Idi Abba answers: this is what's bothering him; since the Mishna already says that you're forbidden to wash, why must it say that they closed the bathhouses? (Of course they closed it if it's forbidden.) Rather, it's hinting that you're only forbidden with hot water (similar to a bathhouse) and not with cold water.

The Gemara suggests: let's bring a proof to this; the Braisa says that all those who are obligated to Toivel may do so regularly on Tisha B'av or Yom Kippur. With what kind of water does this refer to? If it refers to hot water, could you be Toivel in hot water? After all, it's drawn water (that's Pasul for a Mikva). Rather, we must say that you're Toiveling in cold water. Still, we only allow it to someone who needs to Toivel, but not to other people. (Thus, we see that you can't wash on Tisha B'av with cold water..) R' Chana b. Ketena rejects this proof: (really, we refer to hot water, although we asked that it's drawn water, it's not necessarily so.) We only need to tell us this in a case where he Toivels in the hot-springs of Teveria.

Tosfos explains: since it's drawn water.

Tosfos infers: since it doesn't say that you find Teveila in hot water in a case where you heat it up and then (pour it on the ground) and lead it to flow through a furrow (into the Mikva), but the only case the Gemara found was with the hot-springs of Teveria, it proves that you can't have a Mikva completely made from drawn water even if you make it flow through a furrow (into the Mikva).

Tosfos is bothered by the question: the Gemara says that if you made the whole Mikva (with drawn water) that was lead (through a furrow to the Mikva) it's a valid Mikva.

Tosfos answers: it only means that it doesn't invalidates an (unfinished) Mikva like other drawn water, but you definitely can't Toivel in it by itself.

The Gemara asks: let's see the end of that Braisa; R' Chanina Sagan Hakohanim says that it's worth it for the honor of the house of our Lord to lose a Teveila once a year. If you say that it's permitted to wash with cold water, why doesn't he just Toivel in cold water (and not lose the Teveila)? R' Pappa answers: we refer to a town where it's not common (to have a Mikva) of cold water.

The Gemara brings a proof: when they said (by a congregational fast) that it's forbidden to do work, that's only during the day, but they're permitted by night. When they said that it's forbidden to wear shoes, that's only within the city, but if he needs to travel on the road, he may wear shoes. How should he do this? If he's on the road, he puts it on. When he comes to the city, he must remove it. When they said it's forbidden to wash, that's only his whole body, but he may wash his face, hands and feet. This is also true by someone who's excommunicated and a mourner. The Gemara suggests; let's assume that the last statement refers to all the above Halachos. Therefore, if washing is only forbidden with hot water; is a mourner really permitted to wash his face, hands and feet? (That's not true) since R' Huna says that a mourner is forbidden to even stick his finger into hot water.. So, we must say it refers to cold water (and the mourner is forbidden to wash his whole body with it).

The Gemara rejects this: really, we refer to hot water. Although you asked that those Halachos apply to the excommunicated and mourners (and we know mourners are completely forbidden with hot water), it really means that they're only the same by the other Halachos (besides washing).

Tosfos explains: on what it says; that it's permitted with cold water, and therefore a mourner is also permitted with cold water, and therefore, it's a question to R' Chisda who says that a mourner is forbidden to bathe with both hot and cold water. On that, the Gemara answers: it's only referring to the other Halachos, like wearing shoes and smearing oil, but it's not referring to permit washing with cold water. [See R' Akiva Eiger that asks; on the contrary, since the Brasia forbids washing your whole body with cold water, it's a question to Rafram and not to R' Chsda, like Rashi explains it.]

The Gemara wants to bring a proof from the following: R' Abba the Kohain quoted R' Yossi the Kohain; there was a story about the death of the children of R' Yossi b. Chanina, and he washed himself all seven days of mourning, (so they must be allowed to wash with cold water). The Gemara rejects the proof: that refers to a case when one week of mourning (for one child) runs into the next week mourning (for another child. This is why we said he was mourning over children in the plural.) As we see a Braisa (that we're more lenient in this case): when someone has two weeks of mourning, one after another; if his hair is too heavy, he may chop some off with a razor (lit. "lightens (the heavy) hair"), and wash his clothes in water.

Tosfos explains: just chopping it off, but not in a matter of hair cutting. After all, it uses the term “to lighten the hair” and not “give a hair cut.”

R' Chisda qualifies: he may cut with a razor, but not with scissors. (He may wash) with water, but not with (detergents like) a certain earth or sand.

Rava (argues with R' Chisda and) says: a mourner may wash himself all seven days with cold water since it's similar to what we allow him to eat meat and drink wine (for pleasure).

Daf 13b

The Gemara asks: a Braisa says: a Bogeres (a twelve and a half year old girl who's usually trying to get married) is not permitted to make herself look unattractive when she's a mourner over her father. This implies that a Naarah (a twelve year old who doesn't get a special Heter and must keep all the Halachos of mourning) can make herself unattractive.

The Ri explains: that we're not exact by saying that “(a Naarah) is allowed (to make herself unattractive),” but rather, a Bogeres is not obligated to make herself unattractive, but a Naarah is obligated.

Are we not referring to bathing? If so, what type of bathing? If we refer to hot water, how can a Bogeres be allowed? After all, R' Chisda says that a mourner is forbidden to stick his finger into hot water.. So, we must say that it refers to cold water (and we see it's regularly forbidden). The Gemara answers: no, we refer (to making her unattractive by not applying beauty treatments like) eye makeup and braiding.

Tosfos explains the question: since it says that a Naarah is allowed, which we explain that she's obligated (not to wash with cold water) and you claimed that someone may wash with cold water. Therefore, this is difficult to Rava who permitted cold water. On that, the Gemara answers: we refer to applying makeup and braiding hair.

The Gemara wants to bring a proof to Rava: R' Abba the Kohain quoted R' Yossi the Kohain; there was a story about the death of the children of R' Yossi b. Chanina, and he washed himself all seven days of mourning, (so they must be allowed to wash with cold water). The Gemara rejects the proof: that refers to a case when one week of mourning (for one child) runs into the next week mourning (for another child. This is why we said he was mourning over children in the plural.) As we see a Braisa (that we're more lenient in this case): when someone has two weeks of mourning, one after another; if his hair is too heavy, he may chop some off with a razor, and wash his clothes in water.

Another version of Rava: a mourner is forbidden to wash in cold water all seven days. Why is it different than eating meat and wine, (which is permitted)? The Gemara answers: those are only permitted to calm his fears.

The Gemara wants to bring a proof: a Bogeres (a twelve and a half year old girl who's usually trying to get married) is not permitted to make herself look unattractive when she's a mourner over her father. This implies that a Naarah (a twelve year old who doesn't get a special Heter and must keep all the Halachos of mourning) can make herself unattractive. Are we not referring to bathing? If so, what type of bathing? If we refer to hot water, how can a Bogeres be allowed? After all, R' Chisda says that a mourner is forbidden to stick his finger into hot water.. So, we must say that it refers to cold water (and we see it's

regularly forbidden). The Gemara answers: no, we refer (to making her unattractive by not applying beauty treatments like) eye makeup and braiding.

R' Chisda says: from here (that they forbid beauty treatments, so laundering shouldn't be different); we see that a mourner is forbidden to launder clothing for the whole seven-day period. The Halacha is: a mourner can't bathe his whole body in either cold or hot water. However, he may wash his face hands and feet in cold water, but not in hot water. He can't smear even the slightest amount of oil. However, it's permitted if he's doing it to remove smells.

New Sugya

The Gemara inquires: how do you (say Aneinu) in the Tefila of a fast? R' Yehuda Darshened to his son, R' Yitzchok: that an individual who accepted upon himself a Taanis says Aneinu (as its own Bracha) between 'Go'el Yisrael' and 'Rofeinu.' R' Yitzchok asked him; does an individual say his own Bracha? Rather, he should say it in middle of Shomea Tefila. R' Sheishes also holds to say it in Shomea Tefila.

Tosfos concludes: this is the Halacha in our Sugya, that he says it in Shomea Tefila, as an individual can't make his own new Bracha. Therefore, when you say it in Shomea Tefila, you need to say it before you reach the end Bracha (the Baruch Atah). So, you say Aneinu before you say “Ki Atah Shomea etc.” You shouldn't finish Aneinu with its Bracha, rather, you end Aneinu with “Ki Atah Oneh B'eis Tzara U'mosheya.” Then you finish with “Ki Atah Shomea etc. Baruch Atah Hashem Shomea Tefila. However, the Chazon says it after Go'el Yisrael and says it as its own Bracha.

The Gemara asks from a Braisa: there is no difference between an individual Davening and a congregation Davening, but one Davens eighteen Brachos and the other nineteen Brachos (i.e., the congregation says Aneinu as its own Bracha). What does an 'individual' and 'congregation' mean? If the congregation means the Chazon, that can't be. After all, the Chazon doesn't say only nineteen Brachos (on a fast) but twenty four. Rather, we must say that we're contrasting an individual who accepted on himself to fast an “individual fast” and an individual who accepted upon himself “the congregational fast.” That the former says eighteen Brachos and the latter says nineteen Brachos. This proves that an individual can say a new Bracha by himself.

The Gemara rejects this: really, we refer to a Chazon, (that he says the nineteen Brachos). This, that we asked that a Chazon needs to say twenty-four Brachos; we refer here to the first three fasts where the Chazon doesn't say twenty-four Brachos. The Gemara asks: is this really true? After all, the Mishna says that there is nothing different between the first three fasts and the three middle fast but, that you're permitted to do work on the former ones and prohibited on the latter ones. It says there is nothing else different, so you must say that they're the same regarding saying twenty-four Brachos.

The Gemara answers: the Mishna lists (some cases) and left some out.

Tosfos explains: it lists about doing work, but leaves out the twenty-four Brachos of a Taanis, that we add an extra six Brachos, as we explain in the second Perek.

The Gemara asks: (since the rule is that the Mishna won't leave only one out), what else did the Mishna leave out that you said that it left out this case? Also, it says “there is no difference” (which connotes that there is nothing else).

Tosfos explains: the Mishna shouldn't have left only one thing out.

Tosfos asks: it implies from here that you don't say the Tanna left anything else when it writes “there is no difference,” since it implies that there is nothing between them but these items. However, the Mishna in Megila says “there is no difference between a “vow Korban” (i.e., vowing to bring a Korban) and a “gift Korban” (saying I'll bring this animal as a Korban) but, that you have the responsibility to replace a “vow Korban” (after you separated an animal for it and it gets lost) but not for a “gift Korban.” However, we know for sure there is another thing between them, since you can't bring vows from Maasar Sheini money, but only from regular money, but you may designate a “gift Korban” with something bought with Maasar Sheini money. As the Pasuk says “you should Shecht the Shlomim” by Maasar.

Tosfos answers: really, they're both the same. We only make that difference by Shlomim. When we say there is no other difference, that refers to Korban Olos. There is no difference between a vowed Olah and a gifted Olah but, you're responsible to replace it by a vow and not by a gift. There is nothing else different by them besides this, since all Olos must be brought from regular money (and not from Maasar, since it won't be eaten).

Rather, the Gemara answers: our Tanna only refers to prohibitions, and are not referring to how they Daven.

Alternatively, the Gemara answers: they didn't Daven twenty-four Brachos during the middle fasts (but only on the last fasts). The Gemara asks: is it true that they don't Daven it? Didn't the Mishna say that there is no difference between the three second fasts and the seven last fasts but that the (latter ones) you blow Shofar (or say Slichos of Aneinu) and you lock the stores. This implies that, regarding everything else, they're the same. If you want to say that it left something out, but it says “there is no difference” (which connotes that there is nothing else).