

Daf Hashvuah Gemara and Tosfos Rosh Hashana Daf 4
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New Sugya

The Gemara inquires: when do we start counting the year of B'chor (that it must be eaten by then)? Abaya says from the day it was born and R' Acha b. Yaakov says from the day that it's fit to be brought on the Mizbeiach (i.e., from the eighth day). They don't argue.

Daf 7a

One refers to an unblemished animal (that we only count when it could be brought as a Korban, which is after eight days). The other refers to a blemished animal (that may be eaten right away).

Tosfos explains: we refer to an animal that was originally born blemished. After all, if it was born unblemished and became blemished afterwards, since it's not fit to eat right away, you only count it from when you could have brought it as a Korban.

Tosfos points out: we can't imply from here that you transgress Baal T'achar by pushing off giving to the Kohain (for, what other thing are you pushing off by a blemished animal to transgress). For, we can say that he's pushing off the eating of the B'chor, since (even a blemished animal) needs to be eaten within the year, as it says in Mesechta Bechoros.

The Gemara asks: how can you eat the blemished animal right away? (After all, you can only eat it after eight days which proves it's a viable child.) The Gemara answers: we refer to a case where they know that it finished all its months (in its mother, i.e., the mother came to full term in her pregnancy, so we know that the child developed properly.)

New Sugya

We learned in a Braisa: the first of Nissan is Rosh Hashana for months, leap years and for lifting up from the new Shkalim (to bring the new year's Korbonos from these coins). Others say that it's also the Rosh Hashana for renting houses.

The Gemara asks: how do we know Nissan is the first of the months? The Gemara answers: it says "this month shall be the head of the months, it will be the first for you among the months of the year. Speak unto the whole nation of Yisrael saying; on the tenth of the month, they should take a lamb for each father's household, a lamb for each house. It should be watched until the fourteenth of the month, and you should Shecht it etc." (On that month, it is said) "guard the month of ripened fruit." Which month do the fruit ripen? It's Nissan, and the Torah calls it the first (month).

The Gemara asks: perhaps it's Iyar (where the last crops ripen)? The Gemara answers: you need it to be 'Aviv,' and it's not. (Since the connotation is the beginning of the ripening.) The Gemara asks: perhaps it's Adar? The Gemara answers: we need it to be when most fruit ripens, and you don't have that in Adar. The Gemara asks: does it say that it needs the most of the fruit ripened? (It only says that it's when it begins to ripen.)

Rather, R' Chisda says: we learn it from the following. The Pasuk says; “on the fifteenth day of the seventh month, as you gather your grain of the land.” Which month do you gather your grain? This is Tishrei, and it’s called the seventh month. (So, Nissan must be the first.) The Gemara asks: perhaps it’s Cheshvon, and it would be the seventh month from Iyar. The Gemara answers: we need it to be the time of gathering, and it’s not done in Cheshvon. The Gemara asks: perhaps it’s Elul, and it’s the seventh to Adar. The Gemara answers: you need most of the gathering, and you don’t have it in Adar. The Gemara asks: does it say it’s the time of most gathering?

Rather, Raveina says: we can’t learn it from the Torah, but only from P’sukim in Nach.

Tosfos explains: we couldn’t learn from these P’sukim unless they had a tradition the order of the month’s name, one after the other. This is how it’s put in the Yerushalmi: they brought these names of the months when they went up from Bavel. Originally, they called (Tishrei) the month of ‘Aisanim’ because the Avos (strong ones) were born then. (Cheshvon) was called the month of ‘Bul’ because they would feed their animals from (fodder stored) in their house (since there were no more grass). (Iyar) was called the month of ‘Ziv,’ since the trees bloom. However, from that time (when they came up from Bavel) they referred to (other names, like), “it was in the month of Nissan in the twentieth year.” Also, “and it was in the month of Kisleiv in the twentieth year.” Also “in the tenth month, the month of Teves.”

The Pasuk says “the twenty-fourth day of the eleventh month, which was Shvat.” Rabbah b. Ullah learned it from here: “Esther was taken to the king Achashverosh, to his palace, on the tenth month, which was the month of Teves.” R’ Kahana learned it from here “on the fourth of the ninth month, in Kisleiv.” R’ Acha b. Yaakov learns it from here “the scribes of the king at that time, on the third month, which was the month of Sivan.” R’ Ashi learns it from here: “he made lots before Haman from day to day and from month to month (and it fell on) the twelfth month, which is the month of Adar.” Alternatively, from here “on the first month, which was the month of Nissan.” The Gemara asks: why didn’t everyone learned from this Pasuk (which refers explicitly to Nissan)? The Gemara answers: perhaps it only refers to the first month to the story (of Haman).

The Gemara asks: why doesn’t our Mishna count (Nissan as the first of the months)? The Gemara answers: our Mishna only refers to the head of the year, not the head of the months.

Tosfos asks: but didn’t we mention that it’s Rosh Hashana regarding festivals. (It’s not a head of a whole year, since it refers to passing the festivals without bringing a Korbon), and we said that you transgress when the year passes even without festivals and festivals passed even without a year.

Tosfos answers: still (it doesn’t have to only refer to years) since it doesn’t refer to months.

New Sugya

The Braisa says that Nissan is the first regarding making a leap year. The Gemara asks: is it by Nissan (we add a month)? After all, we learned; you can’t decide to make it a leap year before Rosh Hashana, and if you did decide then, it’s not a leap year. However, if it’s a time of difficulty (to do it later) you can decide to make the leap year right after Rosh Hashana, however, you only make the extra month by Adar.

R’ Nachman b. Yitzchok answers: what do we mean “for a leap year?” It means stopping the leap year process. As we learned; (rabbis) testified that they could decide to make a leap year the whole Adar.

Originally, (before this), they were accustomed only to decide until Purim. What's their reason for those who said until Purim? Since we say that they ask about Hilchos Pesach thirty days before Pesach, (which is Purim time, and they're expecting Pesach in thirty days, and if you tell them now that they're pushing off Pesach, they won't believe you) and they'll end up degrading the prohibition of Chametz (during the real Pesach a month later). However, the others (who say until Nissan), aren't worried since people know that leap years are dependent on a calculation (and the reason that they started getting ready on Purim for Pesach to come in thirty days) is because the rabbis hadn't finished calculating then.

Tosfos explains: this is a Mishna in Ediyos. Tosfos is bothered: the Gemara in Sanhedrin, regarding making it a leap year on the thirtieth of Adar, that R' Nachman says that it's (B'dieved) made into a leap year, and it was sanctified as a leap year. Rava asks: since there is thirty days between Purim and Pesach (when people expect Pesach to come), so, when it comes Rosh Chodesh (Adar Sheini) and they push off Pesach, they'll come to degrade the prohibition of Chametz. So, why did he ask on R' Nachman only, if he could have asked the same on the Mishna in Ediyos like our Gemara does.

Tosfos answers: (you're right) he could have asked on the Mishna (but he asked on R' Nachman when he heard his opinion).

The Gemara asks: why didn't our Mishna count this? The Gemara answers: our Mishna only counts items that Nissan begins, but not what they stop.

Tosfos points out: later, when it quotes the Mishna that Tishrei is the Rosh Hashana for vegetables and didn't say it's also for vows (that if you vow something for the year, you're permitted to take pleasure from it by Tishrei) like a Braisa lists, that's for the same reason. We're not listing items that when something stops.

New Sugya

The Braisa lists Nissan as the first for the lifting of the new Shkalim. How do we know this? R' Yoshiya says: the Pasuk says; "this is the Olah of the month, in its renewal, of the months of the year (Shana)" The Torah says "renew and bring the Korbon from the new lifting (of coins)." We learn that it refers to Nissan from a Gezeira Shava of "Shana Shana." As it also says by Nissan "it's the first of the months of the year (Shana)." The Gemara asks: perhaps we should learn a Gezeira Shava "Shana Shana" from Tishrei, as it says "from the beginning of the year (Shana) he judges." **(Tosfos points out that the Gemara later establishes this Pasuk by Tishrei.)** The Gemara answers: we rather learn the Gezeira Shava to compare two places where it says 'Chodesh' with the 'Shana,' and not to learn the Gezeira Shava from a place that says 'Shana' without Chodesh to a place that says both 'Shana' and 'Chodesh.'

Shmuel says: it's a Mitzvah to bring public Korbonos brought after Nissan from the new Shkalim, however, if brought from the old ones, you're Yoitza, but you're missing a Mitzvah. We find a Braisa like that.

However, a private person who donates the Korbon from his own, the Korbon is Kosher, as long as he hands it over completely to the public. The Gemara asks that it's simple (so, why do you need to mention it?) The Gemara answers: I might think you need to worry he didn't hand it over well enough (that it should be completely handed over to the public), so we're taught otherwise.

Tosfos asks: it's a Tannaic argument regarding a guardian of Shvious growths. (Since you

need to bring the Omar from what grown this year, and we don't plant. So, when they find some grain that grew by itself, they hire someone to guard it so it won't be taken by man or animal.) There is an argument whether the guard can donate his service (which is dependent whether he can give his salary back to the collected Shkalim it came from where they buy Korbonos, if he would completely give it over.) So, it's questionable how the Gemara ask that it's simple if there is a Tannaic argument if you could?

Tosfos answers: perhaps there is a reason that we don't need to worry about it in our case as much as we need to worry about it by the grain guard. [*Tosfos Harosh- since he's not giving it out of pocket, but just forgiving his pay, he doesn't realize that he really needs to hand it over completely.*]

Daf 7b

The Gemara asks: why doesn't our Tanna list it (as a Rosh Hashana)? The Gemara answers: since it concludes that if it's brought from the old coins, it's Kosher, so it's not a definitive statement (that you'll take from the new coins then).

Tosfos explains: we need to look into if we could answer here the same way we answer later that we're only listing items that you don't need an action (and here you need an action to lift from the new coins).

New Sugya

The Braisa says that some say that Nissan is also Rosh Hashana for renting houses. We learned: if you rent a house for a year, you count a complete year to the day. However, if he says he's renting for this year, even if he only got there on the first of Adar, once it reaches the first of Nissan, the year is up.

Tosfos explains: we don't say that the price would inform us how long he rented it (i.e., if it's too much to be paid for only a month's rent, obviously, he rented it for more time). After all, the extra money can be given for a gift or for the owner to guard (like the argument by giving Kiddushin to a sister [that everyone knows doesn't take effect] if the money is given for a gift to guard).

This is true even to the opinion that we can count one day in a year as a year (which we should assume that the rent time is up even if he arrived at the end of Adar). Renting is different, since someone doesn't bother renting a house for less than thirty days.

The Gemara asks: perhaps Tishrei should be the Rosh Hashana (for renting)? The Gemara answers: regularly, someone rents for the whole rainy season (to be protected from the elements).

The Gemara asks: according to the first Tanna in the Braisa and the Tanna of our Mishna (who don't list Nissan the Rosh Hashana for renting) why didn't they list it? The Gemara answers: they hold that people intend to rent for the days of Nissan too since it's common to form thick clouds (and rain) then too.

New Sugya

The Mishna says that the first of Elul is Rosh Hashana for Maasar Behaima. The Gemara says that its author is R' Meir who says that in a Mishna. The Gemara points out: we already said the clause that Nissan was Rosh Hashana for the festivals was authored by R' Shimon (who held that you need the festivals to pass

in order to transgress Baal T'achar). Yet, the end of the Mishna says that (R' Elazar and) R' Shimon say that (the Rosh Hashana for Maasar Behaima) is the first of Tishrei. The Gemara asks: can it be that the beginning and end of the Mishna is R' Shimon and the middle is R' Meir?

The Gemara answers: the author is Rebbi, and he based it according to different Tannaim. So, he held like R' Shimon by the festivals and like R' Meir regarding Maasar Behaima.

The Gemara asks: if so, how can you say there is four Rosh Hashanos, it should have said that it's five (since there are two in Nissan, since the first is Rosh Hashana for kings and the fifteenth is for the festivals. You have three more on the first days of Tishrei and Elul plus the fifteenth of Shvat.)

Rava answers: there are four Rosh Hashanos according to all, (since, if you start with those five), you'll subtract (the fifteenth of Nissan) for the festival according to R' Meir, and you subtract (the first of Elul) of Maasar Behaima according to R' Shimon. R' Nachman b. Yitzchok answers: there are four months, and within them, there are many Rosh Hashanos.

Tosfos goes through the give and take of the Gemara: who is the author of festivals, i.e., this, that we learn in the beginning of the Mishna that the first of Nissan is the Rosh Hashana of festivals, which is taught without a name attached, it must be R' Shimon. Then the Gemara asks: if the beginning of the Mishna that says there are four Rosh Hashanos, (Nissan) is Rosh Hashana for kings and festivals, and the end of the Mishna says that R' Elazar and R' Shimon say that (the Rosh Hashana for Maasar Behaima) is the first of Tishrei, so it comes out the beginning and end of the Mishna is R' Shimon and the middle is R' Meir?

So, the Gemara answers: it's Rebbi, i.e., that he taught the Mishna according to different Tannaim (that he holds their opinions) and writes them unnamed (so to show he Paskins like them). On that, the Gemara asks: if it's true that the author of the Mishna is one Tanna, Rebbi, and he just picks different opinions of the Tannaim to Paskin like, then, why does he say there is four Rosh Hashanos? It should list five.

Tosfos explains what does it mean by "if it's true," implying that it wouldn't be a problem if it wasn't one Tanna: it makes sense if it's R' Shimon who taught the beginning of the Mishna, then there isn't more than four of them, since he doesn't hold of the first of Elul to be the Rosh Hashana for Maasar Behaima. However, now that we said that it's Rebbi and he taught it according to those Tannaim he holds like. Therefore, he taught the first of Elul, since he held of it, so there should be five Rosh Hashanos. So, the Gemara answers: there is at least four Rosh Hashanos according to all. Even R' Meir holds that there is four since you subtract the one for festivals, and R' Shimon holds of four, since you subtract the one for Maasar Behaima.

The Gemara asks from a Braisa: the sixteenth of Nissan is the Rosh Hashana of the Omar (that allows you to start eating the last year's grain and they're no longer Chadosh). The sixth of Sivan is Rosh Hashana for the two loaves (that allows you to use last year's grains for Menachos). According to Rava (who counts multiple Rosh Hashanos in a month) our Mishna should have had six Rosh Hashanos. According to R' Nachman b. Yitzchok (who only counts the months, and we already listed Nissan) it should have listed five (months, since we should also include Sivan).

R' Pappa answers: we only list those Rosh Hashanos that start their implications at night, (but these two only start during the day after these Korbonos were brought).

The Gemara asks: aren't festivals, that their implication don't start at night (since you don't transgress Baal T'achar until the morning when you could ring Korbonos), and it's listed. The Gemara answers: since you need to bring it earlier (from before Yom Tov) and you didn't, it transpires right when it turns Yom Tov at night.

Tosfos explains the question: since it shouldn't even apply on the first day on Yom tov according to those who say that you can't bring voluntary Korbonos on Yom Tov (and can't be brought until Chol HaMoed). The Gemara answers: you had an obligation to bring it earlier. Rashi explains: since you were always obligated beforehand to bring the Korbon from the time you vowed to bring it, so you should have brought it before Yom Tov. They didn't establish the festivals regarding the obligation to bring the Korbon, but just as the time that the transgression of Baal T'achar comes. So, that can come by night too.

Tosfos points out: Rashi didn't explain this to say that one transgresses Baal T'achar as soon as it reaches the third festival, at the beginning of the night (of its arrival). After all, we see that R' Meir held that you transgress after one festival, and you only transgress after the end of the festival. Therefore, we should say the same to the Rabanan's opinion, that you need it to pass the three festivals (and not transgress when it reaches the third festival).

Similarly, we see in the second Perek of Beitzta that you can't bring a Korbon Todah on Pesach or Shvuos, but only on Sukkos. (So, no matter when you made it Kodesh, you need to make sure to bring it by Sukkos, because that's the only festival you can bring it, and if you don't, you'll transgress Baal T'achar. This is true If you made it Kodesh before Pesach) and if you bring it on Chol HaMoed Sukkos, you haven't transgressed it yet.

Therefore, what Rashi explained that it transpires by night, that if you were obligated to bring it before the festival, you now have a complete festival to pass that will combine to the three following festivals. However, if it already came into the festival and you made the vow then, even if it's only within the first night, you don't have a passing of a complete Yom Tov and it can't be counted for the three festivals.

The Gemara asks: don't we list Yovel that doesn't have its implications at night (but only on Yom Kippur morning when Beis Din blew the Shofar)? The Gemara answers: the author is R' Yishmael the son of R' Yochanan b. Broka who holds that Yovel starts on Rosh Hashana (right away at night).

R' Shisha b. R' Idi answers: we only list items that you don't need an action to create the implication, and we don't list those that need an action (like the bringing of the Korbon Omar and the two loaves).

Tosfos explains: even according to the opinion who holds that the Chadosh is permitted as soon light starts to shine from the East (dawn) on that day even when the Beis Hamikdash was standing, still, there is a Mitzvah not to eat it until the Korbon is brought (even though you don't transgress the Lav).

The Gemara asks: don't we list festivals that you need an action (since you're only transgress Baal T'achar by the next time you could have brought it, which is only after the bringing of the Korbon Tamid). The Gemara answers: (as we said earlier) he transgresses Baal T'achar by itself (as soon as it turns into Yom Tov).