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### ***The Omer’s Permission***

Rabbi Elozar said to the Rabbi Yoshiyah who was present in his generation (*who was an Amora, as opposed to the Rabbi Yoshiyah who was a Tanna*): Do not sit down until you explain to me the following *Mishna*: How do we know that the *omer* permits any grain that has taken root (*even if it has not yet grown*)?

He replied: What do you mean, “how do we know this?” The verse states: *Aviv (ripe grain)*. This indicates that there is other grain that is not yet ripe that is permitted by the *omer*. It must be referring to grain that has only taken root but has not grown!

Rabbi Elozar asked: Perhaps this other grain that is indicated is grain that already grew one third of its growth (*but if it has merely taken root, it is not permitted with the omer*)?

Rather, Shmuel states: The source for this is the verse: *when the sickle is first used (for harvesting)*. This indicates there are grains that cannot yet be harvested (*they are not even one-third grown*), and yet they are permitted by the *omer*.

The *Gemora* asks: Perhaps it is referring to fodder that is fit to be eaten by animals? [*It is less than one-third grown, but it has grown slightly past the surface to the point that it can be eaten off the ground, though it cannot be harvested with a sickle.*]

Rabbi Yitzchak answers: The verse states: *the standing grain*. The verse refers to any grain standing, indicating that even grain that has taken root but is not yet standing is also permitted.

The *Gemora* asks: Perhaps it is referring to grain that is not yet standing, but rather slightly above ground enough to be able to bend its height over so that it can touch the ground? [*This should not be considered standing, and could be what the verse includes, as opposed to grain that has merely taken root.*]

Rather, Rava states: The verse states: *that you will plant*. This indicates that that from the time it is planted it is permitted.

Rav Pappa asked Rava: If so, even if had not yet taken root it should be permitted (*as long as it was put in the ground before the bringing of the omer*)!

Rava answered: *Sudni (some say this refers to a Torah scholar, and some say it refers to Rav Pappa’s career which was a beer brewer)*, the verse states: (*that you will plant*) *in the field*. [*“In the field” indicates that it is part of the field, meaning it has taken root.*] (70b – 71a)

### ***Mishna***

One is allowed to harvest (*new grain*) the irrigated fields in the valleys normally, but one cannot pile it up in the normal fashion. [*Rashi explains that if this grain was ripe and was not cut quickly, it would spoil. They therefore permitted that it should be harvested with a sickle. Some have the text that this is said about two fields, a field in the mountain and a field that is in the valley. See Tosfos (68a) and Tosfos Yom Tov on the Mishna for a discussion of the correct text.*]

[*Besides the prohibition against eating from the new crop, chadash, before the offering of the omer on the sixteenth of Nissan, there is an additional prohibition of harvesting the new crop before the offering of the omer. This prohibition was said*

regarding grain that is fit to be brought for the omer offering. Grain that grew in a valley could not be used for the omer and therefore it would not fall under this prohibition. Since the grain of Yericho grew in a valley, it was permitted to harvest it before the offering of the omer. Nonetheless, the Chachamim decreed that even if one is permitted to harvest the new crop before the offering of the omer, one cannot make piles of the grain before the omer was brought. This decree was instituted to ensure that one would not inadvertently eat from the grain while working with it.] The Jewish citizens of Yericho would harvest the grain before the omer with the consent of the Sages, but they would also pile them against the will of the Sages. However, the sages did not protest.

One can harvest unripe grain before harvesting the omer in order to feed it to the animals. [Harvesting for an animal is not regarded as "harvesting."] Rabbi Yehudah states: This is only if it is not yet one-third grown. [If he began harvesting before it was one-third grown, he may continue even after it has grown a third.] Rabbi Shimon states: One can harvest in order to feed to his animal even grains that have grown one-third of their normal growth.

One can harvest because of saplings (since it cannot be used for the omer; the Sages did not issue a decree lest he come to eat it, for the growing of this grain would be harmful to his trees, and they did not want to cause him a significant loss), or for a place of mourning (in order to make room to sit for the blessing of mourners; they would find an open area to serve the mourner on his first day of mourning), or on account of a reduction of attendance at the Beis Medrash. In all of these cases, he should not make what he harvests into tied bundles, but rather, he should leave them untied.

The requirement is that the grains of the omer should be brought from the standing stalks. [Rashi explains that it is a mitzvah for the harvesting to be done with intent that these grains will be used for the omer.] If one does not find such stalks, he can bring the omer from grains that were already harvested and put in bundles. It is a requirement that the grains for the omer should come from moist kernels. If one does not find such

grains, he can bring from grains that are dry as well. It is a requirement to harvest the grains at night (on the sixteenth of Nissan). If one harvested it by day (on the sixteenth), it is still valid. The harvesting of the omer overrides Shabbos. (71a)

### **Harvesting before the Omer**

The Gemora cites a braisa: Rabbi Binyamin says: One verse states: and you will harvest the harvest (indicating one can harvest for other purposes before the omer is brought) and you will bring the omer, while another verse states: the first of your harvest to the Kohen (indicating the omer is the first of the new grain that is harvested). How can we reconcile these verses? It must be that grain from the place that you may bring the omer you cannot harvest, but you can harvest grain from a place where you cannot bring the omer.

The Gemora asks: Why don't we expound the verses in the following manner: If the grain is from the type that you bring for the omer (i.e. barley) you cannot harvest before the omer, but from the other types of grains (i.e. wheat, rye) that cannot be used for the omer, you can harvest?

The Gemora answers: This cannot be said due to Rabbi Yochanan's teaching (on 70b showing that this verse is referring to other grains as well).

The Mishna had stated: The Jewish citizens of Yericho would harvest the grain before the omer with the consent of the Sages, but they would also pile them against the will of the Sages. However, the Sages did not protest.

The Gemora notes that it is Rabbi Yehudah who uses this terminology that the Sages "protested" or "did not protest."

The Gemora asks: Does Rabbi Yehudah indeed hold that the harvesting done by the citizens of Yericho was with the consent of the Sages? But it was taught in a braisa: The Jewish citizens of Yericho did six things, three of which the Sages agreed with, and three that the Sages did not agree with. The Jewish citizens of Yericho did three things which the Sages agreed with, and

these were the following: they would graft palm trees on the afternoon of the fourteenth of Nissan (*when everyone agrees that work is forbidden; this, they maintained, was not regarded as "labor"*). They would "wrap" the *Shema* (*they would not pause between the first sentence and the second*), and they would harvest the grain before the *omer* offering was brought. Regarding the following practices the Sages did not agree with the citizens of Yericho: the citizens of Yericho piled the harvested grain before the *omer* was offered, they allowed benefitting from the carob or sycamore tree branches that were consecrated (*for they maintained that their forefathers only consecrated the trunks and not the branches; and although the branches grew from the hekdesch trunks, they held that there is no prohibition against deriving benefit from that which grew from hekdesch*), and they would make breaches in the fences of their gardens and orchards in order to provide the fallen fruit for the poor on *Shabbos* and *Yom Tov* during a famine year. [*The Sages did not want them to take this because they suspected that they might go up on the trees and violate Shabbos by picking the fruits off the tree.*] These are the words of Rabbi Meir. Rabbi Yehudah told him: If they did these three things with the consent of the Sages, why shouldn't everyone do them? Rather, all six things were against the will of the sages. Regarding the first three they did not protest, and regarding the latter three they did protest. They did three things which the Sages did not protest, and these were the following: they would graft palm trees on the afternoon of the fourteenth of Nissan. They would "wrap" the *Shema*, and they would harvest and pile the grain before the *omer* offering was brought. Regarding the following practices the Sages did protest: they allowed benefitting from the carob or sycamore tree branches that were consecrated, and they would make breaches in the fences of their gardens and orchards in order to provide the fallen fruit for the poor on *Shabbos* and *Yom Tov* during a famine year, and they would give *pe'ah* (*leaving the corners of one's field for the poor*) from vegetables (*which resulted in a leniency, for since there is no obligation to leave pe'ah from vegetables, and they did so anyway, ma'aser was not separated from that portion of the field*). Regarding these practices, the Sages did protest

The *Gemora* asks: According to Rabbi Yehudah, there are seven things!

The *Gemora* answers: The list should not include harvesting before the *omer* (*which is indeed permitted when the field will otherwise go to rot*).

The *Mishna* had stated: One can harvest unripe grain before harvesting the *omer* in order to feed it to the animals. [*Harvesting for an animal is not regarded as "harvesting."*]

The *Gemora* cites a *Mishna* taught elsewhere: The following things divide a field into two fields regarding *pe'ah* (*resulting in the halachah that pe'ah must be left over from both fields*): A ravine (*filled with rocks; it is not fit for planting*), a gathering of rainwater, a private (*four cubits wide*) or public road (*sixteen cubits wide*), a public or private path that is permanent in both the hot and rainy seasons, a fallow field, a plowed (*but not planted*) field, and a row which has a different type of crop (*planted between two similar crops*). And if one harvests an area when only slightly grown (*even if it is the same crop as the adjoining fields*), the field is divided into two. These are the words of Rabbi Meir. The Sages say: This last case is only true if he then plows it over (*for they maintain that harvesting for animals is regarded as harvesting, and it can be considered the beginning of the process for the entire field*).

Rabbah bar bar Chanah says in the name of Rabbi Yochanan: Rabbi Meir (*who holds that the harvesting of unripe grain is not legally regarded as a harvesting*) is following the opinion of Rabbi Shimon who holds that one may harvest unripe grain in order to feed it to his animals before the *omer*, even if it is already one-third grown. This indicates he holds that if someone harvests in order to feed animals, it is not regarded as harvesting.

Rabbah sat and related this teaching. Rav Acha bar Huna asked Rava a question on this from a *braisa*: If rows of crops in middle of his field were eaten by locusts or ants, or if it was broken by the wind, everyone agrees that it only divides for *pe'ah* if he then plowed it over. Who does the *braisa* mean when it says

“everyone agrees?” It must be that of Rabbi Meir. This is understandable if the *Mishna* is discussing a case where the grain is not a third grown, and the braisa is referring to a case where it is a third grown. This is why it must be plowed over (*as otherwise it is considered significant harvesting*). However, if the *Mishna* is also referring to a case where the grain was one-third grown, if Rabbi Meir would say that it is not a legally significant harvest, certainly the case of the braisa would not be deemed a significant harvest!?

The *Gemora* answers: Rather, it must be that Rabbi Meir holds like Rabbi Yehudah of our *Mishna*, that once it grows one-third, it cannot even be harvested to feed animals.

The *Gemora* asks: Rabbi Yehudah only said this regarding feeding animals, not people!? [*Rashi explains that perhaps Rabbi Yehudah would say this is not significant harvest if done for people, as opposed to Rabbi Meir who indicates that he would hold it is significant, whether done for people or animals.*] If Rabbi Yehudah holds this way, it would emerge that there would be three conflicting opinions in our *Mishna*! [*Rashi explains this cannot be because Rabbi Yehudah’s terminology in the Mishna indicates he is not arguing, but rather explaining the Tanna Kamma.*]

Rather, when Rav Dimi arrived he explained: Rabbi Meir holds like Rabbi Akiva, his teacher, who says that this is not a legally significant harvest, even if done for people (*if it is not one-third grown*). This is as the *Mishna* states: If a person is harvesting every other row of crops, and he left behind moist (*not fully grown*) stalks, Rabbi Akiva states that he must leave *pe’ah* from each row individually. The Sages say: He can leave *pe’ah* from one on all of them. Rav Yehudah says in the name of Shmuel: Rabbi Akiva only mandated this if he harvested every other row that was unripe in order to produce toasted kernels (*for the use of people*). [*This separates the other rows from each other, as there is an interruption between them that is not legally regarded as a harvest.*] However, if he harvested every other row to stockpile normal wheat (*that was grown*), he would agree to the Sages.

The *Gemora* asks: But can this be so? Behold, Ravin said in the name of Rabbi Yochanan that Rabbi Akiva would obligate him to leave *pe’ah* from every row, even in a case where he harvested every other row for the purpose of storing the grain!

The *Gemora* answers: Rabbi Meir follows Rabbi Akiva in one (*when the grain was less than a third grown*), and he disagrees with him in one (*where it already reached a third of its growth*). (71b – 72a)

#### DAILY MASHAL

*“And you shall see them (tzitzis) – this excludes nighttime garments”*

There is a tradition to inspect the tzitzis after saying Kiddush Levanah. Nighttime is a time when there is no mitzvah to wear tzitzis, why do we look at and inspect our tzitzis during Kiddush Levanah which is in the nighttime?

The Lechem Asher explains that the exclusion of tzitzis from the nighttime is only when the moon is in its current state of diminished illumination. As we say in Kiddush Levanah, when Moshiach comes the light of the moon will be like the light of the sun and like the light of the 7 days of creation. In those days, tzitzis will be worn in the nighttime as well as the day. It is therefore appropriate to inspect our tzitzis at that point to reinforce our expression of hope to merit to participate in the Redemption and to observe this mitzvah in the nighttime.