

22 Iyar 5774  
May 22, 2014



Rosh Hashanah  
Daf 14

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

## VEGETABLES – WHEN THEY ARE PICKED

➤ The Gemora proceeds to provide Scriptural proof that the assignment for vegetables pertaining to maaser will depend on when they are picked. Rabbi Yosi Haglili learns that the verse states that grain and grapes grow from the previous year’s water and their ma’aser belongs to last year, providing that they grew a third of their growth before the first of Tishrei. Vegetables do not require the water from last year and will grow from this year’s water; therefore their ma’aser status will depend on when they are picked. Rabbi Akiva understands the distinction between fruits and vegetables in the following way: Fruits grow from last year’s rain water but vegetables can grow through irrigation and therefore are not comparable to fruits.

Rabbi Avahu states that the difference between the two opinions would be regarding Egyptian beans and small onions, where water was withdrawn from them thirty days prior to Rosh Hashanah. (14a)

## FRUITS AND ESROGIM

➤ The first day of Shevat is the New Year for the trees according to Beis Shamai, and Beis Hillel maintains that it is on the fifteenth.

The Gemora explains the reasoning for this. It is because most of the rainy season has passed by this time and the fruits of the trees are ready to come out.

The Gemora cites an incident with Rabbi Akiva wheret he picked esrogim from a tree on the first of Shevat. He separated ma’aser sheini as if it was the second year of the Shemitah cycle and he also separated ma’aser oni as if it was the third year of the Shemitah cycle. He took the ma’aser sheini in accordance with Beis Hillel who maintain that the New Year for trees is the fifteenth of Shevat and he took ma’aser oni in accordance with Beis Shamai who holds that the New Year for trees is the first day of Shevat.

Rabbi Yosi understood the reason of Rabbi Akiva differently. There is a dispute between Rabban Gamliel and Rabbi Eliezer if an esrog has the laws of a tree in regards to ma’aser and therefore it’s

year would depend on when the esrog emerges, or does it have the laws of a vegetable and it would depend on when it was picked. Rabbi Akiva was concerned for both opinions and gave ma'aser sheini as if it was a fruit and ma'aser oni as if it was a vegetable. (14a – 14b)

### CONTRADICTION STRINGENCIES

➤ The Gemora questions the first view in understanding Rabbi Akiva that he took both ma'asros, one according to Beis Shamai and one according to Beis Hillel from a braisa which states that one who follows the stringencies of both Beis Shamai and Beis Hillel is considered a fool. The esrogim should either be regarded as being from the second year in accordance with Beis Hillel or the third year like Beis Shamai, but it cannot be both!?

The Gemora answers that Rabbi Akiva ruled in accordance with Beis Hillel, however he was uncertain if Beis Hillel stated that the New Year for the trees is the first of Shevat or the fifteenth and that is why he separated both ma'asros. (14b)

### BEIS SHAMAI OR BEIS HILLEL?

➤ The Gemora asks on the interpretation of the incident involving Rabbi Akiva according to Rabbi Yosi. If the esrogim were picked on the first of Shevat, they should still be regarded as

being from the second year according to Beis Hillel who maintains that the New Year begins on the fifteenth of Shevat. It would seem that Rabbi Akiva is going in accordance with Beis Shamai's opinion which is what Rabbi Yosi clearly desires to avoid!?

Rabbi Chanina answers that we are referring to esrogim that blossomed prior to the fifteenth of Shevat of the previous year.

Ravina answers that we must emend the language of the Gemora to state that Rabbi Akiva picked the esrogim on the fifteenth of Shevat and not on the first. (14b)

## INSIGHTS TO THE DAF

### COMPOUNDED DOUBTS

➤ The Gemora cites an incident with Rabbi Akiva that he picked esrogim from a tree on the first of Shevat. He separated ma'aser sheini as if it was the second year of the Shemitah cycle and he also separated ma'aser oni as if it was the third year of the Shemitah cycle.

Rabbi Akiva was being strict regarding the halachos of separating ma'aser from the fruits of the tree. The commentators ask that separating ma'aser from fruits is only Rabbinic and the principle is that when there is a doubt on a

Rabbinic law, one has a right to be lenient. Why did Rabbi Akiva choose to be strict?

The Shaar Hamelech in Hilchos Mikvaos cites Tosfos in Bava Kamma and based on Tosfos explains our Gemora. When there are two Rabbinic doubts that contradict each other, one cannot rule leniently on just one of them since who says that this is the correct one. We cannot rule leniently on both of them since they contradict one another. We are therefore compelled to rule stringently on both of them. It is because of this reasoning that Rabbi Akiva separated ma'aser for both years.

they should bring a proof that the esrogim are from the third year and only then would he be required to give them?

Mikdash Dovid (58) cites a Gemora in Kiddushin that Rabbi Akiva was the attendant for the poor and therefore his hand was viewed as being an extension of the poor and therefore the burden of proof was on Rabbi Akiva and not on the poor people.

## DAILY MASHAL

### WHEN IN DOUBT....

➤ The Gemora cites an incident with Rabbi Akiva that he picked esrogim from a tree on the first of Shevat. He separated ma'aser sheini as if it was the second year of the Shemitah cycle and he also separated ma'aser oni as if it was the third year of the Shemitah cycle.

The Turei Even asks from the principle of whenever there is a doubt regarding monetary matters, the halachah is that one can be lenient. The burden of proof is on the person who wants to take the money from his fellow. What compelled Rabbi Akiva to give the ma'aser oni when he could have told the poor people that