The Gemara answers: Actually, you can indeed say that the baraita about teruma was taught in accordance with the opinion of Rabbi Yehuda, and that Rabbi Yehuda permits a deaf person to read even ab initio, while Rabbi Yosei disqualifies a deaf person even after the fact. And the baraita that teaches that one should not recite the Grace after Meals in his heart, but if he did he has fulfilled his obligation, is not difficult, as that baraita was taught by Rabbi Yehuda as well. The explanation for this is that in this baraita, about teruma, he was teaching his own opinion, that it is permitted even ab initio, whereas in that baraita, concerning the Grace after Meals, he was teaching the opinion of his master, Rabbi Elazar ben Azarya, that one is required to hear what he is saying when he recites blessings.

As it is taught in a baraita: Rabbi Yehuda said in the name of Rabbi Elazar ben Azarya: One who recites the Shema must make it audible to his ears, as it is stated: “Hear O Israel, the Lord our God; the Lord is One” (Deuteronomy 6:4), the word “hear” indicating that you should allow your ears to hear the words you are not necessary with your mouth. Rabbi Meir disagrees and says: This is not necessary with your mouth.

The Gemara proposes a second solution: Now that you have arrived at this point and cited this baraita, you can even say that Rabbi Yehuda holds in accordance with his teacher, Rabbi Elazar ben Azarya, that a deaf person is disqualified ab initio, and it is only after the fact that his reading is valid. And as for that baraita that Rabbi Yehuda, son of Rabbi Shimon ben Pazi, taught stating that a deaf person may set aside teruma even ab initio, this was taught in accordance with the other baraita cited in the baraita, i.e., that of Rabbi Meir, who maintains that everything depends on the intent of one’s heart, and that it is not necessary to pronounce words audibly, even ab initio.

It was taught in the mishna: Rabbi Yehuda’s says that a minor is fit to read the Megilla. It is taught in a baraita: Rabbi Yehuda said: I can offer proof to my opinion, as when I was a minor I myself read the Megilla before Rabbi Tarfon and the other Elders in Lod. They said to him in response: One cannot bring a proof from the testimony of a minor. Since at the time of the supposed incident you were a minor, you are not qualified now to testify about it.

It is taught in a different baraita: Rabbi Yehuda HaNasi said: When I was a minor I read the Megilla before Rabbi Yehuda. They said to him: One cannot bring a proof that an act is permitted from the behavior of the very one who permits it. We know that Rabbi Yehuda maintains that a minor is fit to read the Megilla, and the fact that he acted in accordance with his own opinion does not prove that this is the accepted halakha.

For one cannot bring a proof from the testimony of a minor. The early commentators ask: Reading the Megilla is a mitzva by rabbinic law, and it is taught elsewhere that the testimony of an adult concerning an event that occurred when he was a minor is valid in questions pertaining to rabbinic laws. Some answer that since the Megilla is part of the Bible, it is judged with the severity of a Torah law (Ril). The later commentators discuss this question at length. Some write that a minor’s testimony is accepted in such situations only if he has witnessed a clear, certain fact; however, in this case it is possible that Rabbi Yehuda indeed read the Megilla before these rabbis, but they did not consider themselves as having fulfilled their obligation through his reading (Birkei Yosef).

One cannot bring a proof that an act is permitted from the behavior of the one who permits it – see baraita. It emerges from the Jerusalem Talmud that even a Sage who takes a lenient stance with regard to a particular issue does not generally follow his own opinion if the majority of the Sages disagree with him. This is why the main objection of the Rabbis against Rabbi Yehuda Hanasi’s opinion was that the testimony of a minor is invalid, and only after this did they add the secondary objection that one cannot bring a proof from the actions of one who permits that action (Porat Yosef).
One may not read the Megilla, nor perform a circumcision, nor immerse himself in a ritual bath, nor sprinkle water of purification to purify people and objects that had contracted ritual impurity through contact with a corpse until after sunrise. And also a woman who observes a clean day for each day she experiences a discharge, i.e., a woman who experienced one or two days of non-menstrual bleeding, and must now wait until a day has passed without any discharge of blood before regaining ritual purity, she too may not immerse herself until the sun has risen.

**Mishna**

The Gemara asks: From where do we derive the halakha taught in the mishna that the Megilla may be read only during the day? The Gemara answers: As the verse states: “And these days should be remembered and kept” (Esther 9:28). The word “days” indicates during the day, yes, but at night, no. The Gemara asks: Let us say that this is a conclusive refutation of the opinion of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi said: A person is obligated to read the Megilla at night and then repeat it during the day. The Gemara rejects this: There is no proof from here, as when the mishna teaches that the Megilla may be read only during the day, it was referring to the daytime reading, but the nighttime reading is not considered here at all.

The mishna continues: And one may not perform a circumcision until after sunrise, as it is written: “And on the eighth day he shall be circumcised” (Leviticus 12:3). This indicates that the circumcision must be during the day, not at night.

It is further taught in the mishna: And one may not immerse himself in a ritual bath, or sprinkle waters of purification until after sunrise. This too is derived from a verse, as it is written: “And the pure person shall sprinkle upon the impure on the third day and on the seventh day; and on the seventh day he shall purify himself and wash his clothes, and bathe himself in water, and shall be pure at evening” (Numbers 19:19), which teaches that the sprinkling must take place during the day and not at night. And immersion is likened to sprinkling, as it too is mentioned in the verse, “and bathe himself in water,” so that whatever is invalid with respect to sprinkling is also invalid with respect to immersion.

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The mishna states: And also a woman who observes a day for a day may not immerse herself until the sun has risen. The Gemara asks: This is obvious. What is different about a woman who observes a day for a day, who must immerse herself in a ritual bath, from all the others who are obligated to immerse themselves, as it was already taught that one may not immerse himself in a ritual bath until it is day?

The Gemara answers: It is nevertheless necessary to mention separately the case of a woman who observes a day for a day. As, it might enter your mind to say that this woman’s bleeding should be treated like the first emission of a zava, a man who experiences a gonorrhea-like secretion, in that just as a man attains the status of a full-fledged zava once he has three such emissions, so too, a woman attains the status of a full-fledged zava once she experiences three days of bleeding. And the first emission of a zava is likened to one who experienced a seminal discharge, as it is written: “This is the halakha of him that has an issue and of him whose semen goes from him” (Leviticus 15:32). From this it is learned: Just as one who experienced a seminal discharge immerses on the same day that he had the discharge, so too, that one, the zava, may immerse himself on the same day that he had the emission.

And although this one, i.e., a woman who observes a day for a day, cannot immerse on the same day that she experienced the bleeding, as it is written: “All the days of her issue shall be to her as the bed of her menstruation” (Leviticus 15:26), which teaches that she remains the entire day of her issue in her impure state and must wait until the day is over before she can immerse herself, nevertheless, one might have said that at least during the night following the day of her issue she should be able to perform a partial observation, i.e., she should verify that part of the night has gone by without bleeding, and then immerse herself at night, without waiting until morning. Therefore, the mishna teaches us that since she is required to count one day of purity after her day of impurity, and counting can only be done during the day and not at night, as it says: “And she shall count for herself seven days” (Leviticus 15:28), she cannot immerse herself until after sunrise, although here she has to count only one day.

The mishna concludes: And with regard to all these things, if one did them after daybreak they are valid. The Gemara asks: From where is this matter derived, that from daybreak it is already considered daytime? Rava said: As the verse states: “And God called the light [or] day” (Genesis 1:5), meaning: To that which was becoming lighter and lighter he called day. The Hebrew word or is not to be understood in its usual sense of light, but as a verbal noun: that which is becoming lighter and lighter. It teaches that as soon as light begins to appear in the sky it is called daytime.

The Gemara raises a difficulty with this interpretation: However, if it is so that Rava’s interpretation of this phrase is correct, the following phrase: “And the darkness [hoshekh] He called night” (Genesis 1:5), should be interpreted in a similar fashion: That which was becoming darker and darker He called night, so that immediately after sunset it would be considered nighttime. But don’t we maintain that until the stars come out it is not nighttime? We are forced to say that hoshekh literally means darkness, and similarly, or in the first part of the verse literally means light.
The order of the mishna—Reading the Megilla and all the subsequent cases Specifically has been raised: Since the point of this mishna is to explain the order of the items on this seemingly different list was given for the same category. What way does it differ from the previous mishna, in which a completely different list was given for the same category of mitzvot? Some answer that with regard to the mishna listed in the previous mishna, e.g., immersing and sprinkling, although their set time arrives during the day, if they are performed after that set time, the obligation is nevertheless fulfilled. The items listed in this mishna, however, must be performed only during the day, but on a particular day (Meiri; Tiferet Ha’asid).

It appears that Rashi alludes to the question as well, as at the beginning of the mishna he mentions the principle that it is proper to perform a daytime mitzva as early in the morning as possible. This is in contrast to those procedures mentioned in the previous mishna, such as immersion, with regard to which it is sometimes preferable to perform them specifically late in the day (see Penet Yehoshua and Turei Even). Rashba cites Rabbenu Tam, who also asks why the mishna did not mention the cases in the previous mishna, but the question is left unanswered.

Some early commentaries write that when the mishna begins its list with reading the Megilla, which was enumerated first in the previous mishna, it means: The reading of the Megilla and all the subsequent cases specified along with it in the previous mishna (Rakuya; Ritva, Meiri). Another question is raised with regard to the mishna as well. Why are certain other procedures that must also be performed during the day, e.g., the observation of signs of leprosy and rendering judgment, omitted from its list? The answer to this question appears to be that the mishna relies on the principle stated at the end of the list and consequently did not list each case by name (see Ritva).

The order of the mishna—Some commentators attempt to explain the order of the items on this seemingly random list. The reading of the Megilla is mentioned first because it is the main topic of this tractate. Afterward it lists other mitzvot, such as shofar and lulav, that, like the Megilla, are performed in the course of the prayers. The additional prayer is listed before the additional offering, although in fact the former is a derivative of the latter; because the tanna wanted to give precedence to the item that is a rabbinic enactment rather than an explicit mitzva by Torah law. Some items are arranged in accordance with their appearance in the Torah, such as the confession over the bulls, which precedes the confession of Yom Kippur. The end of the list deals with those actions that are not related to offerings and are not mitzvot, but rather are acts that are undertaken to rectify a defective situation such as ritual impurity. The final item is the purification of the leper, because the tanna wanted to end with the subject of purification ( Tosafot Yom Tov, Aderet Eliyahu).

MISHNA

Although it is preferable to fulfill a particular day’s mitzva at the earliest possible hour, the entire day is a valid time1 for reading the Megilla;2 for reciting hallel;3 for sounding the shofar4 on Rosh haShana; for taking the lulav5 and the other species on Sukkot; for the additional prayer6 recited on Shabbat and other occasions; and for the additional offerings sacrificed in the Temple on these occasions.7

And the entire day is also a valid time for the confession over the bulls8 brought by the Sanhedrin or by the High Priest to atone for mistakes they had made in their instruction to the people; for the declaration made on the last day of Passover in the fourth and seventh year of the Sabbatical cycle, stating that one’s obligations with regard to tithes9 have been properly fulfilled (see Deuteronomy 26:12–15); and for the confession of sins made by the High Priest on Yom Kippur over the special offerings brought on that day.10

Reading the Megilla during the day—Some commentaries state: One is obligated to read the Megilla during the day, and it extends its time from sunrise until sunset. If one is delayed until after sunset he should read without the blessing (Arukh HaShulhan; Mishna Berura; Shulhan Arukh, Orah Hayyim 687:1).

The time for hallel—It is permitted to say hallel throughout the day (Rambam Sefer Zemanim, Hilkhot Megilla Va’hanukka 3:9).

The time for sounding the shofar—The time for sounding the shofar on Rosh haShana is during the day, from sunrise to sunset. However, the Sages instituted that the shofar should be blown before and during the additional prayer for Rosh haShana. Even if one blows or hears the shofar in private, he should try to arrange for it to be done at the same time the congregation blows the shofar in the synagogue (Mishna Berura; Shulhan Arukh, Orah Hayyim 588:1).

The time for the taking the lulav—One may take the lulav anytime during the day. If he does not take the lulav on the first day of Sukkot until after sunset, he should take it at that time, without reciting the blessing (Magen Avraham). Some say that this should be done on the other days of Sukkot as well (Mishna Berura). On the seventh day of Sukkot and on Yom Kippur, however, the lulav should not be handled at all after sunset (Kaf Ha’ayim; Shulhan Arukh, Orah Hayyim 652:1).

The time for the additional prayer—The preferred time for the additional prayer is immediately following the morning prayer, and it should not be delayed longer than the seventh hour of the day, i.e., one hour after noon, ab initio; however, it may be said at any time during the day if necessary (Shulhan Arukh, Orah Hayyim 286:1).

The time for the offerings—The entire day is acceptable for many acts associated with offerings: leaning on the offerings, slaughtering, pinching the necks of the birds, burning the fistful of flour on the altar, bringing near a meal-offering to the altar, sprinkling the blood, waving, scooping out a fistful from meal-offerings, and sacrificing the additional offering. Nevertheless, it is preferable to do these mitzvot as early in the day as possible (Rambam Sefer Avoda, Hilkhot Maasheh HaKorbanot 4:8).

The time for confession over the bulls—The entire day is acceptable for the confession over the Yom Kippur bull as well as for the confession over the sin-offering bulls that are burned (Rambam Sefer Avoda, Hilkhot Avoda Yom HaKippurim 2:7).

The time for declaration with regard to tithes—The declaration with regard to the tithes must be done during the day, and may be done at any time throughout the day (Rambam Sefer Zemanim, Hilkhot Maasheh HaKorbanot 11:4).
The entire day is a valid time for placing hands on the head of an offering; for slaughtering an offering; for waving those offerings that require waving in the Temple; for bringing meal-offerings near to the altar; for scooping out a fistful of flour from a meal-offering in order to burn it on the altar; and for burning the fistful of flour on the altar; for pinching the necks of the turledoves and young pigeons sacrificed as offerings in the Temple; and for receiving the blood of an offering in a vessel; and for sprinkling blood on the altar and on the curtain separating between the Holy and the Holy of Holies.

And the entire day is also a valid time for giving a woman suspected by her husband of having been unfaithful [sota] to drink [see Numbers 5:11–31]; for breaking the neck of the heifer13 as part of the procedure followed when a corpse is found outside a town and it is not known who caused his death (see Deuteronomy 21:1–9); and for all the steps in the purification process of the leper (see Leviticus 14:1–20).14

Correspondingly, all the mitzvot that must be performed at night may be performed anytime during the night: The entire night is a valid time for reaping the omer15 of barley on the night following the first day of Passover, for burning the fats16 of offerings that had been brought during the preceding day, and for burning the limbs of burnt-offerings. This is the principle: Something that it is a mitzva to perform during the day is valid if performed anytime during the entire day; something that it is a mitzva to perform at night is valid if performed anytime during the entire night.

GEMARA The Gemara asks: From where do we derive that these mitzvot were commanded to be performed specifically during the day? With regard to reading the Megilla, the verse states: “That these days should be remembered17 and kept” (Esther 9:28). For reciting the hallel, the proof is from that which is written in hallel: “From the rising of the sun to its setting, the Lord’s name is to be praised” (Psalms 113:3). Rabbi Yosei said: The proof is from another verse in hallel: “This is the day that the Lord has made” (Psalms 118:24), implying that it is to be recited during the day and not at night.

And daytime is for taking the lulav, as it is written: “And you shall take for yourselves on the first day the fruit of a beautiful tree, branches of a date palm, and boughs of a dense-leaved tree, and willows of the brook” (Leviticus 23:40). Daytime is also the time for sounding the shofar, as it is written: “It is a day of sounding the shofar to you” (Numbers 29:11). Likewise, the time for the additional offerings18 is day, as it is written with regard to these offerings: “To sacrifice an offering made by fire to the Lord, a burnt-offering, and a meal-offering, a sacrifice, and libations, each on its own day” (Leviticus 23:37). And this is also so for the additional prayer, because the Sages made it equivalent to those additional offerings.

And daytime is the time for the confession over the bulls, as this is derived by way of a verbal analogy between one instance of atonement in this context and another instance of atonement in the context of Yom Kippur. As it is taught in a baraita with regard to Yom Kippur, the verse states: “And Aaron shall present the bull of the sin-offering that is his, and atone for himself and for his household” (Leviticus 16:11). The verse speaks of atonement achieved through words, i.e., the atonement here is not referring to the sacrifice of offerings and the sprinkling of blood, but rather to atonement achieved through confession. And the atonement of Yom Kippur is only during the day, as it is written: “For on that day will He atone for you” (Leviticus 16:30). Just as the atonement on Yom Kippur must take place during the day, so must the other cases of atonement, over other bulls brought as sin-offerings, take place during the day.

13 אמיות
14 רבי עשה
15 ימות
16 אמים
17 זכורים
18 הפסוקים בִּימָמָא, רבָּנַן דְּאָמַר כָּל בֵּיתוֹ—דְּתַנְיָא. A mitzva to perform during the day is valid if performed anytime during the entire day—יָמָּהְם רבָּנַן דְּאָמַר כָּל בֵּיתוֹ. This halakha does not apply to those actions to which a specific time of day was set, such as the Paschal offering and the daily offering (Riva). That these days should be remembered—as יום יום The time for the additional offerings is raised: As the time for the additional offerings was set, such as the Paschal offering and the daily offering; time is not the entire day. One answer is that theoretically its time is the entire day, but there are external factors that limit the application of this extended time frame. Another possibility is that the additional offering may indeed be valid after the fact if it is brought at any time during the day (Rashi).
The fact that these two actions, as well as several others, must be done during the day is derived from specific verses, although other sacrificial acts are derived from the verse that states: “On the day that he commanded the children of Israel to present their offerings” (Leviticus 7:38). See Tosafot, who explain why this general verse is not used for all actions related to offerings. However, in the Jerusalem Talmud, these actions are indeed derived from the verse that starts: “On the day that he commanded."

And daytime is the time for the declaration with regard to tithes, as it is written in the formula of this declaration: “And you shall say before the Lord your God, I have removed the sacred things out of my house” (Deuteronomy 26:13–15); and juxtaposed to that passage it is written: “This day the Lord your God has commanded you to do” (Deuteronomy 26:16), implying during the day and not at night.

For placing hands on the head of an offering and for slaughtering an offering, it is derived as it is written: “And he shall lay his hand upon the head of his offering, and slaughter it” (Leviticus 3:8), comparing the laying of hands to slaughtering. And it is written with regard to slaughtering: “On the day that you slaughter” (Leviticus 19:6), meaning during the day and not at night. And for waving the offerings that require waving, it is derived as it is written: “And on the day you wave the omer” (Leviticus 23:11).

And with regard to bringing the meal-offerings near the altar, it is likened to waving, as it is written: “And the priest shall take the meal-offering of jealousy from the woman’s hand, and shall wave the offering before the Lord, and sacrifice it upon the altar” (Numbers 5:24). The words “sacrifice it” are referring to bringing the offering near the altar. And for scooping out a fistful of flour, and for pinching the necks of the bird-offerings, and for burning the fistful of flour on the altar, and for sprinkling the blood, these are derived as it is written: “This is the law of the burnt-offering, of the meal-offering, and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of the peace-offering; which the Lord commanded Moses on Mount Sinai on the day that he commanded the children of Israel to present their offerings” (Leviticus 7:37–38).

And with regard to giving the sota to drink from the bitter waters, this is derived from a verbal analogy between one instance of the word “Torah” and another instance of the word “Torah.” It is written here with respect to a sota: “And the priest shall execute upon her all this Torah” (Numbers 5:30), and it is written there with regard to judgment: “According to the Torah, which they shall teach you, and according to the judgment, which they shall tell you” (Deuteronomy 17:11).