

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara concludes its clarification of the cited Baraisa that teaches that one witness can obligate someone to offer a Chatas if he does not deny the accusation.

2) Clarifying Rabanan's position

The Gemara inquires about the rationale behind Rabanan's position and presents the practical difference between those explanations.

On the second attempt the Gemara clarifies the rationale behind Rabanan's position.

Ravina clarifies the exact circumstances of the Baraisa that was cited.

R' Nachman rules in accordance with R' Yehudah's position.

R' Yosef qualifies R' Yehudah's position.

Reish Lakish, R' Sheishes and Abaye suggest cases in which R' Meir will agree with Rabanan.

3) Clarifying the Mishnah

Abaye clarifies one of the rulings of the Mishnah.

A second version of the conversation in which Abaye clarifies the Mishnah is recorded.

Reish Lakish in the name of Bar Tutini clarifies one of the Mishnah's rulings.

A second version of this discussion is recorded.

This interpretation of the Mishnah is unsuccessfully challenged and the two sides of the debate are clarified.

4) MISHNAH: The Mishnah defines the amount of time within which one must eat an olive's volume of prohibited

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REVIEW and Remember

1. What is the practical difference between the two possible explanations fro Rabanan's position?

2. What is the point of dispute between R' Meir and R' Yehudah?

3. How does a person who witnessed an event excuse himself from giving testimony?

4. Explain אין ידיעה לחצי שיעור.

Distinctive INSIGHT

Trusting the word of a person against the testimony of witnesses

אמר רב נחמן הלכה כרבי יהודה, אמר רב יוסף לא אמרה אלא בינו לבין עצמו ולעצמו

The Mishnah cited a disagreement regarding two witnesses who claim that a person ate cheilev and was obligated to bring a chattas, but the person himself denied it and said he did not eat the cheilev. Chachamim say that the person does not have to bring a chattas, and R' Meir holds that the witnesses have the authority to obligate the person to bring a chattas.

The Gemara inquired about the reasoning for the view of the Chachamim. Is the person exempt because (as mentioned in the Baraisa) "a person is believed about his own affairs more than a hundred witnesses," or is the reason as given in the Mishnah, that he does not bring a chattas since (מיגר) he could have responded to the witnesses and said that he admits that he ate the cheilev, but that he ate it intentionally. Since he would not bring a chattas if he had eaten the cheilev intentionally, he is also exempt when he says that he never ate it at all.

The practical difference between these two approaches why Chachamim say the person who denies eating cheilev is exempt from a chattas would be where witnesses testify that a person entered the Mikdash while tamei, and he claims that he had not become tamei. If the reason is due to his being more credible than witnesses, then he would be exempt from an offering in the case of entering the Mikdash while tamei as well. However, the other reason for the exemption does not apply in the case of being accused of entering the Mikdash while tamei. In the case of cheilev, the person is able to claim that the eating of cheilev was done intentionally and was thereby not liable for a chattas. There is no parallel explanation of being in the Mikdash while tamei which could avoid having to bring a chattas, because being in the Mikdash while tamei requires a korban whether the person was there intentionally or otherwise.

A Baraisa is brought in which R' Yehuda says that a person is believed against witnesses in a case of tum'ah. This therefore proves that the reason for Chachamim in the Mishnah is that a person is believed more than witnesses.

Rav Nachman says that the halacha follows the view of

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HALACHAH Highlight

K'dei achilas peras

The time it takes to eat a peras

Chachamim in the Mishnah rule that for one to be liable for eating small parts of a prohibited food he must eat an olive's volume within the time that it takes to eat a "peras." A "peras" is half of the standard size loaf of bread and there is a disagreement amongst the Tannaim regarding its volume. Some maintain that it is the volume of four eggs while others maintain that it is the volume of three eggs. Rambam¹ rules in accordance with the opinion that a peras is the volume of three eggs whereas Tur² rules in accordance with the opinion that maintains that it is equal to the volume of four eggs. Shulchan Aruch³ cites both opinions and does not give a definitive ruling and Mishnah Berurah⁴ writes that the dispute should be treated as an unresolved matter. Accordingly, when it comes to Biblical matters one should adopt the stringent measurement and when it comes to Rabbinical matters one may adopt the lenient measurement.

Rishonim do not, however, define the duration of time it takes to eat a peras. Minchas Chinuch⁵ asserts that this is because each food will be measured in accordance with the normal amount of time it takes to eat that kind of food. Some foods are eaten slowly and other foods are eaten quickly. Chazon Ish⁶ disagrees with Minchas Chinuch's assertion and con-

כדי אכילת פרס

R' Yehuda, and a person is trusted if he insists that he is tahor, even if witnesses say otherwise. R' Yosef explains that although we hold like R' Yehuda, the person is considered tahor only in private, and only for himself, but not for others. Rashi explains if we disregard the witnesses in this case due to the person's insistence, onlookers might tend to treat purity lightly.

Mahari⁷ deduces from Rashi that in areas of halacha other than purity where a person's word is trusted against witnesses, the person would even be allowed to act publicly, as the issue of purity is more delicate and susceptible to misunderstanding. ■

tends that the time is measured by the standard articulated by Chazal when they discuss the amount of time it takes to become tamei in a house with tzara'as which is the amount of time it takes to eat reclining, eating wheat bread with dip. Chasam Sofer⁷ asserts that even nine minutes can qualify as the amount of time it takes to eat a peras. Aruch HaShulchan⁸ writes that it is no less than 3 or 4 minutes. ■

1. רמב"ם פירוש המשנה ד"ה כמה ישהה
2. טור או"ח סי' תרי"ב
3. שו"ע שם סע' ד'
4. מ"ב שם סק"ח
5. מנחת חינוך מצוה שי"ג אות ד' וה'
6. חזו"א או"ח סי' ל"ט ס"ק י"ח
7. שו"ת חת"ס ח"ו סי' ט"ז
8. ערוה"ש או"ח סי' ר"ב סע' ה' ■

STORIES Off the Daf

The Missing Husband

בא בעלה תצא מזה ומזה

There is a Yiddish saying: "פון א קשיא שטארבט מען נישט" – One doesn't die from asking a question." This expression is a pithy way to explain to someone who has questions that having a question – or many – is no big deal. As one gets older and wiser, he has a broader perspective and realizes that questions are a part of life and that we make choices despite questions all the time.

On today's daf we find the horrific story of an agunah who remarried, whose husband subsequently returned home. A certain agunah was sadly una-

ble to remarry for several years. This troubled all the greatest scholars of her city, who naturally wished to find a way to help her. After much consideration, one of the scholars had what he thought was an excellent solution to her problem. He mentioned an extremely difficult Tosafos and said a very brilliant answer based on a novel concept. "According to this, there is no question whatsoever on an apparently impossible Tosafos. But if one accepts my chiddush, this agunah is permitted..."

This brilliant way to circumvent her difficulty amazed the other scholars; yet they wondered whether it really permitted the poor agunah. After all, there was no source for his chiddush.

When they consulted with Rav Chaim Volozhiner, zt"l, he voiced his

opinion concisely. "פון א קשיא שטארבט מען נישט" – one does not die from a question." A chiddush is nice, but the kashah on Tosafos is not going to make the missing husband lie down dead.

To everyone's shock, the woman's husband finally returned home a few weeks later!¹ ■

1. כן שמעתי מהרב יהושע כהן, שליט"א

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food to make him liable. The time frames for other prohibitions are also discussed.

5) Clarifying R' Meir's position

The Gemara inquires whether R' Meir represents a lenient position or a stringent position.

The two possible explanations are more fully elucidated. ■