

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara concludes its clarification of the cited Beraisa 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 Beraisa 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 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. ■

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 Beraisa) "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 is since (מינו) 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 Beraisa 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 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.

Mahari^t 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. ■

Today's Daf Digest is dedicated as a zechus

for a רפואה שלימה for

שושנה בת עליזה

חיים שלום בן חיה מושא

HALACHA 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 contends that the

כדי אכילת פרס

REVIEW and Remember

1. What is the practical difference between the two possible explanations for 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.

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 ישחה.
² טור או"ח סי' תרי"ב.
³ שו"ע שם סעי' ד'.
⁴ מ"ב שם סק"ח.
⁵ מנחת חינוך מצוה שייג 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 סעי' ח'.

STORIES off the Daf

The Mistaken Shochet

"אדם נאמן על עצמו יותר ממאה איש..."

Although nowadays, if we want meat we just purchase the amount of the type of meat we want, it was not always so. Not too long ago, one who wanted to eat meat had to shecht an entire cow. If a shochet bungled while shechting an animal, the owner lost virtually the entire value of the cow. Obviously, most shochetim were not willing to shecht if when they invariably make a slight error they would be held responsible for the entire damage. So mostly the owner had to accept to bear the loss; his only option was to sell the damaged animal to a non-

Jew for a pittance.

A certain shochet was somewhat elderly but had a steady hand. He shechted a cow and declared that the shechitah had not been done correctly and the animal was forbidden. But the owner—who had seen the shechitah and would not have missed the type of error that the shochet claimed he had made—was sure he was mistaken. When he tried to point this out, the shochet rejected this out of hand.

The elderly man declared, "I am the shochet here and if I say it was no good, I am correct. Know that if a beis din had caught you eating this meat in times when they punished you would have been dealt with like anyone caught eating treif meat..."

But since the owner was not con-

vinced that he was required to ignore the evidence of his own eyes, he decided to ask a great posek.

When this question reached the Ba'al HaTanya, zt"l, he ruled that this man may eat the meat in private. "Beis din's reaction does not show the halachah. Beis din is unsure whether this meat is kosher or treif. Since the shochet who declared it treif had it under his hand and could have done anything to the meat, we must believe him. But if someone who witnessed the shechitah is certain that it was valid, he can eat from the meat in private. This is clear from Kerisus 13, where we find that a person can believe what he himself knows more than one hundred witnesses."¹ ■

¹ שו"ע הרב בעל התניא, יו"ד, סי' י"ח, בקונטרס אחרון, ס"ק י ■