

OVERVIEW of the Daf

1) Clarifying R' Yehudah's position (cont.)

Rabbah proposes a resolution to the contradiction whether R' Yehudah issues a decree out of concern that one may come to eat the "new" grain before it is permitted.

Abaye refutes this resolution and offers his own resolution.

Rava points out that there is a contradiction within the position of Rabanan as well and he resolves that contradiction.

R' Ashi suggests another resolution for the contradiction but the Gemara notes that this resolution does not stand up.

2) **MISHNAH:** The Mishnah discusses when the new grain becomes permitted when there is a Beis HaMikdash and when it becomes permitted in the absence of the Beis HaMikdash.

3) When does new grain become permitted?

Rav and Shmuel assert that new grain becomes permitted after the offering of the Omer and when there is no Beis HaMikdash when the sky becomes light on the 16th of Nisan.

The source for these rulings is presented.

R' Yochanan and Reish Lakish assert that even when there is a Beis HaMikdash new grain becomes permitted when the sky becomes light on the 16th of Nisan.

Numerous unsuccessful challenged to the position of R' Yochanan and Reish Lakish are presented.

The practice of different rabbis regarding this matter is

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REVIEW and Remember

1. Why are we more stringent regarding chometz than chodosh?
2. What is the point of dispute between Rav and Shmuel on the one hand and R' Yochanan and Reish Lakish on the other hand?
3. Did R' Yochanan ben Zakkai innovate a new principle regarding chodosh?
4. What is the case in which the two loaves could permit new grain for the Beis HaMikdash out of sequence?

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Mr. and Mrs. Marc Geller
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מרת בילה בת ר' יוסף אליעזר, ע"ה

Distinctive INSIGHT

When was it certain that the omer had been brought by midday?

מפני מה הרחוקים מותרין מחצות היום ולהלן מפני שהן יודעין שאין בית דין מתעצלין בו

The new grain was permitted as soon as the omer offering was brought on the second day of Pesach. Those in Yerushalayim would know when this took place, as they were nearby and they would hear about it. The Jews who lived farther away had to wait until midday, because although they did not know exactly when the omer was brought, they were assured that it would certainly have been brought by midday, and no later,

Rambam writes (Hilchos Tmidim u'Musafin 9:9) that the omer was offered after the musaf of the day (the second day of Pesach). Keren Orah points out that the Gemara in Pesachim (58a) tells us that the musaf was offered at the sixth hour of the day and the spoons of frankincense were brought at the seventh hour. This suggests that the offering of the musaf, which began at the beginning of the sixth hour of the day, took a full hour. Therefore, the omer, which was brought after the musaf, could not have been brought before midday. How, then, can our Gemara say that it was certain that the omer would have been brought before noon, because the kohanim would not be lazy?

Keren Orah answers that although all year the musaf was brought at the beginning of the sixth hour, on the sixteenth of Nisan, which is the second day of Pesach, it must be that the musaf was brought much earlier, in order for the omer to be able to be brought in a timely fashion, and be done before midday. In fact, Rashi in Pesachim explains that musaf was usually brought at the sixth hour of the day, which indicates that this was not always the case. The exception might be in our case, on the second day of Pesach, where we wish to advance the musaf so that the omer may be brought in an expeditious manner.

Another approach is brought in Tosafos in Berachos (28a) who explains that it was only the musaf of Shabbos which was brought at the sixth hour. However, the musaf of Rosh Chodesh and of the Yamim Tovim were brought early in the morning, immediately after the tamid. Therefore, on the sixteenth of Nisan, which was the first of the intermediate days of Pesach, the musaf was brought quite early in the morning, and the omer was brought after it, with plenty of time to guarantee that the omer be completed before midday.

According to this Tosafos, when the second day of Pesach fell on Shabbos, it would have been prohibited to eat from the new grain at midday, because we could not assume that the omer had been brought by then. ■

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HALACHAH Highlight

Is it prohibited to do business with chodosh?

משקרב העומר הותר חדש מיד

After the Omer is offered the new grain becomes immediately permitted

The Mishnah in Shevi'is (7:3) states that one is not permitted to do business with foods that are prohibited. Rambam¹ rules that one may not do business with any food that is prohibited for consumption even though the food is permitted for benefit. The same ruling is recorded in Shulchan Aruch². There is a disagreement amongst Poskim whether this prohibition is Biblical or Rabbinic. Mishnah Lamelech³ maintains that the prohibition is Biblical whereas Taz⁴ asserts that the prohibition is a Rabbinic injunction instituted out of concern that one who does business with prohibited foods may come to eat those foods.

Poskim debate whether this restriction includes chodosh. Do we say that during the time it is prohibited for consumption it is no different than any other prohibited food and one may not do business with it or perhaps since the prohibition is in force for a limited amount of time the restriction does not apply. Teshuvos Shevet Halevi⁵ suggests that this question could be resolved from the halacha regarding a nazir. The nazir's prohibition against the consumption of grape products is limited to a certain period of time and yet the Sifrei writes that he is allowed to do business with grape products. So too, it should be permitted for one to do business with chodosh since the prohibition is limited to a certain period of time. He then rejects this proof since in the case of the nazir the prohibition is limited to him whereas the prohibition against eating chodosh applies to everyone. Shevet Halevi cites Beis Dovid who rules that outside of Eretz Yisroel there is no prohibition against doing business with chodosh. Since there are those who maintain that the chodosh prohibition does not apply outside of Eretz Yisroel the prohibi-

recorded.

4) **MISHNAH:** The Mishnah discusses the details of the halacha that the Omer permits new grain for consumption and the two loaves permit the use of new grain for korbanos.

5) Using new grain for a korban

R' Tarfon asks why new grain used for a korban before the Omer is invalid but before the two loaves it is valid.

Yehudah bar Nechemiah suggested an answer and R' Tarfon remained silent in response.

The consequence to this conversation is recorded.

R' Nachman bar Yitzchok applies the explanation of Yehudah bar Nechemiah to another case and the Gemara explains why this application is not obvious.

6) Rami bar Chama's questions

Rami bar Chama inquires whether the two loaves permit the new grain for use for korbanos out of sequence.

The Gemara elaborates on the circumstances of the question.

Rabbah suggests a resolution to this inquiry based on a Baraisa. ■

tion against doing business with such a food does not apply as well. The basis of this is a ruling of Pri Chodosh that as long as there are opinions that maintain a food is permitted, the prohibition against doing business with that food does not apply even for those who maintain the food is prohibited. Shevet Halevi concludes that one should not disparage those who rely upon the position of Beis Dovid. ■

1. רמב"ם פ"ח מהל' מאכלות אסורות ט"ז.
2. שו"ע יו"ד סי' קי"ז סעי' א'.
3. משנה למלך על הרמב"ם הנ"ל הי"ח.
4. ט"ז ליו"ד שם סק"א.
5. שו"ת שבט הלוי ח"ב סי' קס"ב. ■

STORIES Off the Daf

Delaying the Count

"מהרה יבנה בית המקדש..."

There is a seemingly strange custom that many great people follow with regard to counting the first night of sefirah. Instead of counting during Maariv as would be expected, they count before midnight at their seder table. This custom seems a bit difficult to defend. Firstly, because it is forbidden to eat even a fairly small meal of bread or matzah before counting sefirah on other nights, yet here we have a huge

hefsek and eat a meal fit for a king before counting.

The Beis Yisrael, zt"l, explains that the key to understanding this is in the Gemara in Menachos 68. "Our sages tell us that Rabbi Yochanan ben Zakai decreed that it is forbidden to eat chadash the entire seventeenth of Nissan since the mikdash could be rebuilt quickly. If it is rebuilt on the seventeenth, chadash will not be permitted until they bring the korban omer.

"It is well known that according to many opinions sefirah in our times is only rabbinic. These tzaddikim know that the mikdash could be rebuilt quickly. They

therefore wait until chatzos in the hopes that the mikdash will be rebuilt and their counting will be a full Torah obligation. Since they are also rabbinically obligated in other mitzvos which must be fulfilled, they fulfill these mitzvos first.

"One should not ask why they do not wait until immediately before dawn to count, since the answer is obvious. As we find in the beginning of Berachos regarding anything which may be done until dawn, the sages decreed that they not be delayed until after chatzos so that people keep their distance from sin."¹ ■

1. בית ישראל השלם, לפסח. ■