

OVERVIEW of the Daf

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

The Gemara continues to question whether R' Yehudah is concerned with the possibility one may inadvertently eat chometz.

After Abaye answers the contradiction between R' Yehudah's ruling in the cases of chometz and chodosh, Rava points out a contradiction between two rulings of Rabanan and resolves the contradiction.

R' Ashi presents another resolution to the contradiction between the two rulings of R' Yehudah but the Gemara rejects his resolution.

The Gemara unsuccessfully challenges Abaye's assertion that R' Yehudah issues decrees when people are not detached from something.

A contradiction both in R' Yehudah's and Rabanan's position regarding whether decrees are issued to prevent an inadvertent violation of Shabbos are presented and resolved.

The Gemara unsuccessfully challenges Abaye's assertion that R' Yehudah does not issue decrees when people are detached from something.

2) **MISHNAH:** A dispute is recorded regarding when the prohibition against eating chometz on erev Pesach begins.

3) Making a mistake about time

A Mishnah in Sanhedrin is cited that records a dispute between R' Meir and R' Yehudah about the acceptable discrepancy regarding time allowed between witnesses.

Two versions of Abaye's explanation of the opinions in the Baraisa are presented. ■

REVIEW and Remember

1. According to Rava, why are Rabbanan not concerned that one will mistakenly eat chometz as he is in the midst of the bedikah?
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2. How did the Gemara demonstrate that R' Ashi was mistaken?
.....
3. What are the three opinions regarding the time chometz becomes prohibited?
.....
4. Why does a discrepancy between the witnesses regarding the day of the month not invalidate their testimony?
.....

Distinctive INSIGHT

The witnesses and their testimony are corroborated
אחד אומר בשנים בחדש ואחד אומר בשלשה עדותן קיימת
שזה יודע בעבורו של חדש וזה אינו יודע בעבורו של חדש

Tosafos (ד"ה זה ידע) notes that later (12a) Rava says if the information provided by witnesses seems incongruent, even if there is some way of reconciling their statements, the court would never assume anything on its own, but we would rather ask the witnesses themselves to clarify their own words. If the witnesses are not available, the court should not execute an accused murderer based upon testimony where one said the second of the month and the other said the third of the month. This case is a ספק, at best. It is possible that one of the witnesses was aware of the adjustment to the calendar and the other was not. Yet, on the other hand, if we would ask them, perhaps there really is a contradiction here, and the testimony is faulty. How could we kill the defendant based upon a doubt? The Gemara (Sanhedrin 69a) determines from this case that the calculation of the new month is something that causes most people to err, so that it is almost a certainty that this set of witnesses are kosher. This might explain why we validate the witnesses when they are not here to consult. Yet, our Gemara suggests that the testimony is automatically valid, and even if the witnesses are here we do not need to follow up with them.

Tosafos explains that in this case, because the witnesses report that the event occurs on the same day of the week, we are inclined to hear their report of the varying day of the month as being a result of a calendar error on the part of one of them. ■

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HALACHAH Highlight

One travelling from America to Israel – when should he sell his chometz?

ר' יהודה אומר אוכלין כל ארבע ותולין כל חמש ושורפין בתחילת שש

R' Yehuda says, in the fourth hour eating (chometz) is permitted, in the fifth eating is suspended and in the beginning of the sixth hour the chometz is burned.

Rashi explains that from the beginning of the seventh hour the prohibition against eating chometz is scriptural (mid'oraisa) and before the seventh hour it is rabbinic (mid'rabanan)

The Rishonim¹ differ over the source of the scriptural prohibition – one school maintains it is because of the negative commandments of **בל יראה** and **בל ימצא**. The other school says it is because of the positive commandment to eliminate all chometz from ones' possession (תשביתו).

R' Moshe Feinstein², zt"l, discusses another category of issur (prohibition). He infers from the Gemara in Bava Kama (98b) that the **איסור הנאה** (prohibition to derive benefit) from chometz applies to all chometz. Even the chometz of a minor, who is not liable for the transgressions of **בל יראה** and **בל ימצא**, needs to be destroyed.

This has relevance if a person travels to a different time zone, (e.g., from America to Israel) before Pesach. His Pesach in Israel will end before Pesach ends in America. Since the prohibitions of **בל יראה** and **בל ימצא** are prohibitions which rest upon the person (איסור גברא) and not on his chometz, he cannot be in violation of these transgressions. However, in terms of the prohibition to derive benefit from his chometz during and after Pesach, this halachah rests upon the chometz itself. Therefore, even though he will not transgress any prohibitions, nevertheless his chometz would have been owned by him over the course of Pesach and will thus be forbidden to him.

R' Moshe concludes³ that it is preferable⁴ (based on the above) for the traveler only to reacquire his chometz after Pesach has ended in America. ■

1. שהנודע ביהודה מה"ת או"ח סימן ע"ה הוכיח רש"י שיש איסור דב"י וב"י מתחילת שעה שביעית ולמגיד משנה בהלכות חמץ ומנה פ"ג, עד הערב אין בו אלא מ"ע דתשביתו ולא ב"י וב"י. ועי' מש"כ ב"י בריש סימן תמ"ג בשם בעה"מ, ובמ"א א"ר ודע"ת להרש"ם שם בזה
2. בשו"ת אג"מ באו"ח ח"ד סימנים צ"ד וצ"ה
3. וכה"ח שם ס"ק ט"ב לא כ"כ ויש עוד דעות ומ"מ העושה כאג"מ יוצא לכו"ע. וגם בשו"ת מנחת יצחק ח"ז סימן כ"ה, כתב להחמיר כב' הזמנים
4. ועע"ש באג"מ בסימן צ"ה שהקיל בדיעבד ■

STORIES off the Daf

Dollar distractions

אדם בהול על ממנו

Our Gemara discusses the halachic ramifications of this rule of human nature, namely that people lose their heads when faced with monetary loss. Although the Gemara discusses an extreme case, there are many levels to this. A story is told about the great HaRav Shlomo Zalman Aurebach, zt"l, who re-

ceived a sizeable piece of property as a dowry. Although the property was at the time basically worthless, it was in a new settlement under development and could eventually result in a substantial amount of money to help support his family. When R' Shlomo Zalman inquired as to what was necessary for him to do for the property's upkeep, he was informed that he would have to come weekly to check its progress and sign some papers as needed. R' Sholom Zalman discussed the matter with his wife, and they decided

to immediately sell the property. When asked why he was selling it then and forgoing such a large profit, he replied that he feared that its maintenance would interfere with his total concentration on his studies, and he therefore wanted nothing to do with it

To someone of R' Shlomo Zalman's stature, this obviously constituted **אדם בהול על ממנו**. ■

