

Daf Digest for this month is dedicated in memory of ישראל צבי בן זאב גוטליב ז"ל

By the Weiss/Gotlib Families—London, England

OVERVIEW of the Daf

1) Foreclosing on mortgaged property (cont.)

The Gemara concludes qualifying the dispute between Abaye and Rava regarding the time when the creditor becomes the owner of the foreclosed property and gives a practical example of the difference between their opinions.

The Gemara unsuccessfully challenges Rava's position.

It is suggested that the dispute between Abaye and Rava is related to a dispute between Tannaim but the Gemara demonstrates that the dispute in the Baraisa relates to a different issue altogether.

A Baraisa teaches that when a store is owned by a person of one religion and the workers are a different religion chometz found in the store after Pesach is assumed to come from the store.

2) MISHNAH: The Mishnah teaches that chometz upon which a building collapsed does not require a bedikah and R' Shimon ben Gamliel adds that it must be deep enough that a dog could not dig it up.

3) Clarifying the Mishnah

R' Chisda rules that one who does not have to search for chometz under a collapsed building must still nullify the chometz.

A Baraisa teaches that according to R' Shimon ben Gamliel the chometz must be buried below three tefachim.

R' Ashi differentiates between chometz buried in the ground, which must be three tefachim deep, and money that one is guarding for another, which Rafram bar Pappa rules only has to be one tefach deep.

4) MISHNAH: The Mishnah teaches the laws of one who eats terumah that is chometz on Pesach.

5) How to calculate the payment for one who inadvertently ate terumah

A Mishnah is cited that teaches the details of payment for one who ate terumah. ■

Distinctive INSIGHT

*Is the Jew in violation of **בל יראה ובל ימצא** retroactively?*

ישראל שהלוה לנכרי על חמצו לאחר הפסח אינו עובר... משום רבי מאיר אומר עובר

The Gemara discusses the legal power of a creditor to collect designated collateral in the event the loan is not paid. Is his ability to collect effective retroactively to the time of the loan (Abaye), or is the collection right of the creditor valid only from the time of possession (Rava)?

The Gemara brings a Baraisa which seems to argue along the same lines. Here, the creditor is a Jew, who lent money to a gentile over Pesach, and chometz was designated as the collateral. When the gentile defaults, and the Jew collects this chometz, is it permitted to benefit from it after Pesach or not? Tanna Kamma rules that it is permitted for the Jew to collect and benefit from it (for they seem to hold that the collection is only from now and on), while R' Meir holds that the Jew is looked upon as having owned this chometz retroactively to before Pesach, and it is therefore prohibited for him to benefit from it at this later time, after Pesach.

Why, though, does this Baraisa illustrate this case in terms of the status of the chometz after Pesach? We could just as well ask the question about when the chometz is collected, but express the question in terms of whether the Jew is now considered in violation of **בל יראה** and **בל ימצא** over the holiday of Pesach. If he is considered in possession from before, we now see that he owned chometz on Pesach itself. If his ownership begins now, he has not violated these prohibitions.

Maharshal answers that this Tanna holds that the Jew is not in violation of **בל יראה** even according to Abaye. During the Yom Tov, there was only a doubt whether the gentile would default or if he would pay. Even if he later defaults, and the Jew, in fact, collects the chometz, we do not say in this regard that we penalize the Jew and consider him as having violated **ב"י וב"י**.

Maharsha, however, argues with Maharshal, and he holds that this Tanna holds like R' Shimon, and the very determination that benefit from the chometz is prohibited after Pesach is due to the fact that the Jew was in violation of **ב"י וב"י** during Pesach. According to Abaye, we see that the Jew was in possession of the chometz retroactively to when Pesach began, and this is why the chometz is now prohibited from any benefit. ■

HALACHAH Highlight

Working in a store owned by a gentile on Pesach

ת"ר חנות של ישראל ומלאי של ישראל ופועלי נכרים נכנסין לשם, חמץ שנמצא שם אחר הפסח אסור בהנאה ואצ"ל באכילה. חנות של נכרי ומלאי של נכרי ופועלי ישראל נכנסים ויוצאים לשם חמץ שנמצא שם אחר פסח מותר באכילה ואצ"ל בהנאה

The Rabbis taught: A Jewish-owned store with stock owned by a Jew, where Gentile workers enter the store, chometz found in the store after Pesach is forbidden to be benefited from and, needless to say, eaten. A gentile-owned store with stock owned by a gentile where Jewish workers enter the store, chometz found in the store after Pesach is permitted to be eaten, and needless to say, benefited from.'

Shaar Efraim¹ was asked if it is permissible for a Jewish worker to work as a cashier over Pesach (i.e. receive money and guard the chometz) in a gentile store. He replied that it would be permitted if he appointed someone to watch over him in order that he shouldn't inadvertently come to eat the chometz. Chok Yaakov, however, prohibits this. His rationale is that since the Jew is guarding the chometz, it is considered as if he desires the continued existence of the chometz. Other Acharonim³ concur with this view.

R' Moshe Feinstein⁴ writes that if the Jewish worker would receive his salary even if the chometz was not in the store, he is permitted to work there as the maintenance of the chometz is not a necessary part of his job. In this case, he cannot be described as wanting the chometz to remain intact. ■

REVIEW and Remember

1. Explain the teaching of R' Nosson concerning collecting a debt.
2. Why does the ruling of our Mishna not refute Rava's position concerning foreclosures?
3. What is the consequence of R' Yitzchak's statement that a creditor acquires the security deposited with him?
4. According to the Gemara, what is the proper method to guard someone's money?

1. השער אפרים סימן ז'. וע"ש בהגהת בן המחבר. והביאו בשע"ת או"ח ת"נ ס"ק ט"ו ובבאה"ט שם
2. שם בה"י סוף ס"ק ט'
3. הגאון מטשעבין זצ"ל בדובב מישרים ח"א סימן מ' אות א'. וכן משמע באג"מ או"ח ח"ג סימן ס' שיש איסור דרוצה בקיומו גם בלי מעשה. שכתב שהיושב בבית האסורים ומקבל לחם כל יום שם ורוצה בקיומו אלולי ההיתיר (שכתבנו להלן) שאינו נחשב כרוצה בקיומו מפני שהרי יתנו לו אוכל גם אם יאבד כל החמץ שם, וששאינו כמכר עי"ש. ומשמע שם שאין עצה להתירו עי"ז שהישראל אינו עושה מעשה בחמץ אלא הגוי לוקחו. ובשיעורי הגרי"ש אלישיב זצ"ל (הערות במוע"ק) הביא נפ"מ בין חו"ד ומהר"ם ש"ק בשאומר על מה (שמת אסור בהנאה) האם נחשב כרוצה בקיומו של מת וכחכה מהמת או ששומר אין רוצה בקיומו של המת, אלא שכרו הוא על כך שמיקל בטורח הקרובים. וע"ע בשו"ת חת"ס או"ח קכ"ח בד"ה מה
4. באג"מ הנ"ל. ומ"מ צריך לראות שלא יהיה חשש שיבא לאכלו וכנ"ל במשער אפרים ושע"ת ■

STORIES off the Daf

Selling chometz to a non-Jew

חמצו של נכרי

The Minhag throughout Klal Yisroel is to sell one's chometz to a non-Jew for the duration of Yom Tov. This enables the Jew to use it afterwards as it is not prohibited. Although today this is done all over by local Rabbonim, it was not always so simple. The story is told of a Jewish innkeeper who lived among

non-Jewish neighbors in a small village. Every year he would sell his supply of whiskey to one of them, thus preventing substantial financial loss. One year all the non-Jews collaborated and decided not to purchase his whiskey, waiting to see what he would do with it. The Jew went from one to another, but to no avail. Finally, having no choice, he emptied all the barrels from the inn and went home. After Pesach was over he went to the place where he had left his whiskey, hoping to re-

trieve at least the empty barrels. To his great surprise however, he found all the barrels still intact being guarded by a large dog. The non-Jews, whose plan to have a party at the innkeeper's expense failed, asked him what it helped to leave the barrels out if he left a dog to guard them. The Jew, who of course had not sent the dog, was more than happy to reclaim his whiskey, and he learned a lesson about relying on Hashem. ■