BACKGROUND

Grinding with a hand mill – טְחִינָה בְּרֵחַיָּא דְּיָד: Hand mills were made with one hole in the top where the grain could be inserted, and another hole on the side where a stick could be placed, allowing the grindstone to be turned. These hand mills were often used at home by the women responsible for running the kitchen. When the flour was produced commercially, larger mills were used, whose stones were turned by water power or by animals. Such mills could, in emergencies, be turned by people as well; see, for example, Judges 16:21.

Hand mill

NOTES

One may harvest from a field that requires irrigation – קוֹצְרִין בֵּית הַשְּׁלָחִים: Rashi in tractate *Menaḥot* explains that harvesting does not require as much exertion as grinding and sifting. Consequently, it is permitted to harvest grain before the *omer* is sacrificed if necessary.

Seeking out leaven to burn it – מְחַזֵּר עָלָיו לְשׂוֹרְפוֹ: Why did the Sages prohibit any involvement with the new crop, a stringency that they did not apply to other Torah prohibitions? Perhaps the reason is that the Sages are especially stringent with regard to an item whose prohibition is not eternal and that will become permitted in the future, either because a more stringent ruling will not cause significant loss or because people tend to treat a prohibition of that kind with contempt (*Penei Yehoshua*).

שֶׁלֹּא בִּרְצוֹן חֲכָמִים (הֵן עוֹשִׂין), דִּבְרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אוֹמֵר: בִּרְצוֹן חֲכָמִים הָיוּ עוֹשִׂין. וְלָא קָא גָּזַר רַבִּי יְהוּדָה דִּילְמָא אָתֵי לְמֵיכַל מִינֵּיהּ! אָמַר רָבָא: שָׁאנֵי חָדָשׁ, מִתּוֹךְ שֶׁלֹּא הִתִּרְתָּ לוֹ אֶלָּא עַל יְדֵי קְטוּף – הוּא זָכוּר.

However, with regard to those people who harvest the crop before the *omer* is sacrificed, **they act contrary to the will of the Sages.** This is **the statement of Rabbi Meir.** The concern is that while working with the grain they might come to eat from it, despite the fact that it is still prohibited. **Rabbi Yehuda says: They act in accordance with the will of the Sages. And** in that case, **Rabbi Yehuda did not issue a decree lest one eat from it.** Why, then, does he issue a decree with regard to leaven? **Rava said** that the prohibition of **new** grain **is different: Since** before the *omer* **you permitted one** to harvest the crop **only by picking** it by hand and may not harvest it in the typical manner, **he will remember** the prohibition and refrain from eating it. That is not the case with regard to leaven.

אֲמַר לֵיהּ אַבַּיֵי: תֵּינַח בִּשְׁעַת קְטִיפָה, טְחִינָה וְהַרְקָדָה מַאי אִיכָּא לְמֵימַר? הָא לָא קָשְׁיָא; טְחִינָה – בְּרֵחַיָּא דְּיָד, הַרְקָדָה – עַל גַּבֵּי נָפָה.

Abaye said to him: This works out **well** in explaining Rabbi Yehuda's opinion with regard **to the time** when one is **picking** the grain; however, with regard to the time of **grinding and sifting, what can be said?** Apparently, it is permitted to perform these acts in a typical manner. Why, then, is there no concern lest one eat the grain at that stage? The Gemara responds: **This is not difficult,** as one also performs **grinding** in an atypical manner. One must grind the grain before the sacrificing of the *omer* **with a hand mill,**[B] not with a mill powered by an animal or by water. Likewise, **sifting** is performed atypically, not in the interior of the sifter. Instead, it is performed **on top of** the **sifter.** Since all of these actions are performed in an atypical manner, there is no concern lest he come to eat the grain.

אֶלָּא הָא דְּתָנַן: קוֹצְרִין בֵּית הַשְּׁלָחִים וְשֶׁבָּעֲמָקִים אֲבָל לֹא גּוֹדְשִׁין, וְאוֹקִימְנָא כְּרַבִּי יְהוּדָה, מַאי אִיכָּא לְמֵימַר?

The Gemara raises another difficulty: **However,** with regard to that **which we learned** in a mishna: **One** may **harvest** grain from **a field that requires irrigation**[N] **and** from fields **in the valleys,** as their grain ripens long before the *omer* is sacrificed, **but one** may **not pile** the produce, and the Gemara adds: **And we established** that this mishna is **in accordance with** the opinion of **Rabbi Yehuda; what can be said?** The use of the term: One may harvest, in this mishna indicates that the grain was harvested in a typical manner, not by hand.

אֶלָּא אָמַר אַבַּיֵי: חָדָשׁ – בָּדֵיל מִינֵּיהּ, חָמֵץ – לָא בָּדֵיל מִינֵּיהּ.

Rather, Abaye said: This difference between the cases of the *omer* and leaven is not based on the manner in which one harvests, grinds, or sifts. Instead, the reason for the different rulings is that **from new** grain, one **distances himself,** as it is prohibited to eat the new grain all year until the *omer* is offered. But **from leavened bread** one **does not distance himself,** as it is permitted during the rest of the year. Therefore, he is more likely to unwittingly eat leaven.

אָמַר רָבָא: דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה קַשְׁיָא, דְּרַבָּנַן אַדְּרַבָּנַן לָא קַשְׁיָא?

Rava said: Is the contradiction between one statement **of Rabbi Yehuda** and the other statement **of Rabbi Yehuda difficult,** while the contradiction between one statement **of the Rabbis** and the other statement **of the Rabbis** is **not difficult?** There is also an apparent contradiction between the opinion of the Rabbis, i.e., Rabbi Meir, who rule that the Sages issued a decree with regard to new grain but did not issue a decree with regard to leaven.

דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה לָא קַשְׁיָא – כִּדְשָׁנִינַן. דְּרַבָּנַן אַדְּרַבָּנַן נַמִּי לָא קַשְׁיָא: הוּא עַצְמוֹ מְחַזֵּר עָלָיו לְשׂוֹרְפוֹ, מֵיכַל קָאָכִיל מִינֵּיהּ?!

Rava explains as follows: The contradiction between one statement **of Rabbi Yehuda** and the other statement **of Rabbi Yehuda** is **not difficult, as we resolved** it above. The contradiction between one ruling **of the Rabbis** and the other ruling **of the Rabbis** is **also not difficult:** The Rabbis maintain that there is no need to issue a decree prohibiting searching for leaven after leaven is prohibited, as, with regard to one who **himself is seeking out** leaven **to burn it,**[N] will **he eat from** that leaven? However, in the case of new grain, he is processing the grain, preparing it for consumption. Therefore, the concern is that he will come to eat it unwittingly.

רַב אַשִׁי אָמַר: דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה לָא קַשְׁיָא; קֶמַח וְקָלִי תְּנַן.

Rav Ashi said: The contradiction between one statement **of Rabbi Yehuda** and the other statement **of Rabbi Yehuda** is **not difficult,** as the difficulty can be resolved in an alternative manner, **as we learned** in the mishna that the markets of Jerusalem were filled with **flour and toasted grain.** It is permitted to prepare only these foods before the *omer*, as they will not be eaten without further preparation. Therefore, there is no concern lest one eat it unwittingly before the *omer* offering is sacrificed.

הָא דְּרַב אַשִׁי בְּדוּתָא הִיא; דְּתַנְיָא מִקְּלִי וְאֵילָךְ – מֵעִיקָּרָא עַד קָלִי מַאי אִיכָּא לְמֵימַר?

The Gemara rejects this interpretation: **That** statement **of Rav Ashi is a mistake,**[N] as this suggestion can easily be refuted. **That** works out **well** with regard to the status of the grain **from** the point that the grain was processed into flour or **toasted grain and forward,** as there is no concern lest one come to eat it. However, with regard to its status **initially until** it became **toasted grain, what can be said?** There must have been a certain point when the grain kernels were edible before they were transformed into toasted grain. Why is there no concern that one might come to eat the grain at this earlier stage?

וְכִי תֵּימָא עַל יְדֵי קִישּׁוּף כִּדְרָבָא – אֶלָּא קוֹצְרִין בֵּית הַשְּׁלָחִין וְשָׁבָעֲמָקִים, וְאוֹקִימְנָא כְּרַבִּי יְהוּדָה מַאי אִיכָּא לְמֵימַר? אֶלָּא דְּרַב אַשִׁי בְּדוּתָא הִיא.

And lest you say that the grain is distinguished **by** the atypical manner in which it is **harvested, in accordance with** the earlier statement of **Rava, but** with regard to the difficulty raised to Rava's opinion that **one may harvest a field that requires irrigation and** a field **that is in the valleys** in the typical manner **and we established** that statement **in accordance with** the opinion of **Rabbi Yehuda, what can be said? Rather,** the Gemara rejects this explanation and concludes that **Rav Ashi's** statement **is a mistake.**

וְכָל הֵיכָא דְּלָא בָּדֵיל מִינֵּיהּ מִי גָּזַר רַבִּי יְהוּדָה?

The above conclusion was that Rabbi Yehuda distinguishes between prohibitions involving substances from which people regularly separate themselves and prohibitions involving substances from which people are not used to keeping their distance. The Gemara asks: **And anywhere that** one **does not distance** himself from a prohibition, **does Rabbi Yehuda issue a decree** that one must keep away from a prohibited item to avoid accidentally using it?

וְהָתְנַן: לֹא יִקּוֹב אָדָם שְׁפוֹפֶרֶת שֶׁל בֵּיצָה וִימַלְּאֶנָּה שֶׁמֶן וְיִתְּנֶנָּה בְּצַד הַנֵּר בְּשַׁבָּת מִפְּנֵי שֶׁתְּהֵא מְנַטֶּפֶת, וַאֲפִילּוּ הִיא שֶׁל חֶרֶס,

But didn't we learn in a mishna: **A person may not pierce** a hole **in an eggshell,**[H] **and fill it with oil, and place it beside a lamp so that** the egg **will drip** additional oil into the lamp[B] and thereby extend the time that it burns? **And** this is the ruling **even** if **it is** not an actual egg but **an earthenware** tube, from which most people consider it unsuitable to drink. The concern is lest one forget and take the tube and use the oil for some other purpose, and violate the prohibition against extinguishing a flame on Shabbat.

וְרַבִּי יְהוּדָה מַתִּיר! הָתָם מִשּׁוּם חוּמְרָא דְּשַׁבָּת מִבְּדֵיל בְּדִילֵי.

And Rabbi Yehuda permits using a tube in that manner, as he is not concerned lest one remove it. Apparently, Rabbi Yehuda does not issue a decree even with regard to an item from which people do not distance themselves, e.g., oil. The Gemara answers: **There, due to the stringency of Shabbat, one distances** himself,[N] as on Shabbat one is careful to distance himself from a candle or anything placed alongside it.

וְרָמֵי דְּשַׁבָּת אַשַּׁבָּת; דְּתַנְיָא: חֶבֶל דְּלִי שֶׁנִּפְסַק לֹא יְהֵא קוֹשְׁרוֹ אֶלָּא עוֹנְבוֹ, רַבִּי יְהוּדָה אוֹמֵר: כּוֹרֵךְ עָלָיו פּוּנְדָּא אוֹ פְּסִקְיָא, וּבִלְבַד שֶׁלֹּא יַעֲנִבֶנּוּ.

And the Gemara **raised a contradiction** between this *halakha* **of Shabbat** and another *halakha* of **Shabbat, as it was taught** in a *baraita*: With regard to **the rope of a bucket that was severed** on Shabbat, where one needs the rope to draw water from a well, **he may not tie it** with a regular knot, as by Torah law it is prohibited to tie a permanent knot. **Rather,** he may **tie it** into **a bow.** However, **Rabbi Yehuda says: One** may **wrap a money belt** [*punda*][L] **around it or a sash** [*pesikya*],[L] **provided that he does not tie it** into **a bow,** lest he tie a proper knot.[H]

קַשְׁיָא דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה, קַשְׁיָא דְּרַבָּנַן אַדְּרַבָּנַן!

This presents **a difficulty,** as there is a contradiction between one statement **of Rabbi Yehuda,** who permits placing a tube of oil beside the lamp, and the other statement **of Rabbi Yehuda,** who prohibits tying a bow to reattach the severed rope of a bucket. There is likewise **a difficulty** between one statement **of the Rabbis,** who prohibit placing a tube of oil beside the lamp, and the other ruling **of the Rabbis,** where they permit tying a bow to reattach the severed rope of a bucket.

NOTES

Mistake [*beduta*] – בְּדוּתָא: This phrase appears in several places, usually in the context of a complete rejection of statements attributed to later *amora'im*, e.g., Rav Ashi. Two versions of this term appear, *beduta* and *baruta*. According to the first version the statement is erroneous and unfounded. In other words, Rav Ashi could never have issued this statement, and it must have been erroneously attributed to him. The second version means: External, i.e., this statement cannot be accepted and must remain outside the walls of the study hall.

Due to the stringency of Shabbat one distances himself – מִשּׁוּם חוּמְרָא דְּשַׁבָּת מִבְּדֵיל בְּדִילֵי: This does not mean that all people are careful to avoid any wrongdoing due to the stringency of Shabbat prohibitions. For if that were so, Rabbi Yehuda would have to reject all the stringencies and decrees issued with regard to Shabbat, and this is most unlikely. Rather, the Gemara means that with regard to a prohibition involving consumption, a person will not eat or even pick up the prohibited item, due to the severity of the prohibition (Rabbi Meir Arak).

HALAKHA

Eggshell – שְׁפוֹפֶרֶת שֶׁל בֵּיצָה: One may not place an eggshell filled with oil alongside a burning lamp on Shabbat, lest he move it in order to use the oil in it. Consequently, the decree is not in effect if he attaches the eggshell to the lamp; it is permitted (*Shulḥan Arukh*, *Oraḥ Ḥayyim*, 265:1).

Tying a bucket – קְשִׁירַת דְּלִי: It is permitted to tie a bucket to a well with a belt and the like, as that is certainly not a permanent knot (*Shulḥan Arukh*, *Oraḥ Ḥayyim*, 317:4).

BACKGROUND

A lamp and a container of oil – נֵר וּמֵיכַל שֶׁמֶן: The image depicts an earthenware lamp attached to a container filled with oil to enable it to burn longer.

Lamp and container of oil

LANGUAGE

Money belt [*punda*] – פּוּנְדָּא: The source of this word, which occasionally appears as *apunda*, is the Greek φοῦνδα, *founda*, meaning belt or pocket, or the Latin funda, meaning a belt pack or a money belt. A *punda* is a hollow belt with a pocket for money; thereby it serves as both a belt and a wallet.

Sash [*pesikya*] – פְּסִקְיָא: From the Greek φασκία, *faskiya*, or the Latin fascia, meaning sash or belt.

דְּרַבָּנַן אַדְּרַבָּנַן לָא קַשְׁיָא, שֶׁמָּן בְּשֶׁמָּן – מִיחַלַּף, עֲנִיבָה בִּקְשִׁירָה – לָא מִיחַלַּף.

The Gemara answers: The apparent contradiction between one statement **of the Rabbis** and the other statement **of the Rabbis** is **not difficult,** as one usage of **oil** might **be confused with** another usage of **oil.** Given that it is permitted to use oil for other purposes, one is apt to utilize this oil as well. However, tying **a bow will not be confused with** the dissimilar tying of **a knot.** Consequently, the Rabbis do not issue a decree in that case.

דְּרַבִּי יְהוּדָה אַדְּרַבִּי יְהוּדָה לָא קַשְׁיָא; טַעְמָא דְּרַבִּי יְהוּדָה לָאו מִשּׁוּם דְּגָזַר עֲנִיבָה אַשְּׁטוּ קְשִׁירָה, אֶלָּא מִשּׁוּם דְּקָסָבַר: עֲנִיבָה גּוּפַהּ קְשִׁירָה הִיא.

The Gemara continues: Likewise, the contradiction between one statement **of Rabbi Yehuda** and the other statement **of Rabbi Yehuda** is **not difficult,** as **the reason for** the opinion **of Rabbi Yehuda** is **not because he issues a decree** to prohibit tying **a bow due to** the prohibition against tying **a knot. Rather,** the reason is more fundamental, **because Rabbi Yehuda maintains** that **a bow itself is** a full-fledged **knot.** According to Rabbi Yehuda, tying a bow is included in the prohibition against tying a knot on Shabbat.

וְרָמֵי רַבָּנַן אַדְּרַבָּנַן, דְּתָנַן קוֹשְׁרִין דְּלִי בְּפִסְקָיָא אֲבָל לֹא בְּחֶבֶל, וְרַבִּי יְהוּדָה מַתִּיר. חֶבֶל דְּמַאי? אִילֵימָא חֶבֶל דְּעָלְמָא – "וְרַבִּי יְהוּדָה מַתִּיר"? קֶשֶׁר שֶׁל קַיָּימָא הוּא! דְּוַדַּאי אָתֵי לְבַטּוֹלֵי.

And the Gemara **raised a contradiction between** one statement of **the Rabbis** and another statement **of the Rabbis, as we learned** in a mishna: **One may tie a bucket with a sash,** to draw water from a well, **but** one may **not** do so **with a rope, and Rabbi Yehuda permits** the use of a rope. Before addressing the aforementioned contradiction, the Gemara asks: The mishna is referring to **a rope of what** kind? **If you say** it is referring to **a standard rope,** does **Rabbi Yehuda permit** tying a knot in this rope? **It is a permanent knot, as** in tying the rope to the bucket **he certainly comes to negate** any other use of the rope. He performs a primary category of prohibited labor by tying a permanent knot.

אֶלָּא פְּשִׁיטָא – דְּגַרְדִּי,

Rather, it is **obvious** that the mishna is speaking about a rope used in the work **of a weaver** [***gardi***].[L] The legal status of this rope differs from that of an ordinary rope, as the weaver will certainly not leave his rope attached to a bucket and thereby negate any other use. Consequently, this knot is a temporary one.

וְגָזְרוּ רַבָּנַן חֶבֶל דְּגַרְדִּי אַטּוּ חֶבֶל דְּעָלְמָא?! אִין, חֶבֶל בְּחֶבֶל – מִיחַלַּף, עֲנִיבָה בִּקְשִׁירָה – לָא מִיחַלְּפָא.

The Gemara asks: **And** did **the Rabbis issue a decree** prohibiting the rope **of a weaver due to a standard rope** but they did not issue a decree prohibiting a bow due to a knot? The Gemara explains: **Yes,** the Rabbis indeed issued a decree prohibiting the rope of a weaver, as one **rope may be interchanged with** another **rope,** leading one to mistakenly tie a knot with a different rope. However, **a bow is not interchanged with a knot.**

וְכָל הֵיכָא דְּבָדֵיל מִינֵּיהּ לָא גָּזַר רַבִּי יְהוּדָה? וְהָתַנְיָא: בְּכוֹר שֶׁאֲחָזוֹ דָּם, אֲפִילּוּ הוּא מֵת – אֵין מַקִּיזִין לוֹ דָּם, דִּבְרֵי רַבִּי יְהוּדָה.

The Gemara asks: **And anywhere that** one **distances himself** from the prohibition, does **Rabbi Yehuda not issue a decree? But wasn't it taught** in a *baraita*: What should one do if he has an unblemished **firstborn** kosher **animal**[N] whose **blood** circulation is **constricted,**[H] and it can be healed only through bloodletting? This situation is problematic, as an unblemished firstborn animal is consecrated, and wounding it is prohibited. **Even if it dies** due to this condition, **one** may **not let its blood**[B] at all; this is **the statement of Rabbi Yehuda.**

וַחֲכָמִים אוֹמְרִים יַקִּיז וּבִלְבַד שֶׁלֹּא יַטִּיל בּוֹ מוּם. הָתָם, מִתּוֹךְ שֶׁאָדָם בָּהוּל

And the Rabbis say: One may **let** the animal's blood, **provided that he does not inflict a blemish on** the firstborn animal. In this case Rabbi Yehuda issues a decree with regard to a firstborn animal, despite the fact that its use is generally prohibited and people distance themselves from consecrated items. The Gemara answers: **There,** in the case of a firstborn animal, **since a person is agitated** and anxious

LANGUAGE

Weaver [*gardi*] – גַּרְדִּי: From the Greek γέρδιος, *gerdios*, meaning weaver.

NOTES

Firstborn kosher animal – בְּכוֹר: The unblemished firstborn of a kosher animal belonging to a Jew is consecrated at birth. When the Temple stood it was sacrificed as an offering, and after the destruction of the Temple, firstborn animals were given to priests. The priest would care for the animal until it developed a blemish. At that stage it was permitted to slaughter the animal, whose flesh and hide were the property of the priest. However, if the firstborn animal remains unblemished, it retains its consecrated status, and the prohibition against inflicting a blemish on offerings applies to firstborn animals just as it does to all offerings.

HALAKHA

Unblemished firstborn kosher animal whose blood circulation is constricted – בְּכוֹר שֶׁאֲחָזוֹ דָּם: If the firstborn of a kosher animal is sick and can be healed only through bloodletting, one may let its blood only in a manner that will not cause a blemish that would disqualify it, in accordance with the opinion of the Rabbis (*Shulḥan Arukh*, *Yoreh De'a* 313:6).

BACKGROUND

One may not let its blood – אֵין מַקִּיזִין לוֹ דָּם: Bloodletting was based on an ancient system of medicine in which blood and other bodily fluids were considered to be humors, the proper balance of which was believed to maintain health. It was the most common medical practice performed by doctors on both humans and animals from antiquity through the late nineteenth century, a period of almost two millennia. Today it is well established that bloodletting is not effective for most diseases. One of the only remaining conditions for which it is used is polycythemia vera, a disease in which the body produces too many red blood cells.

עַל מָמוֹנוֹ, אָמְרִינַן: אִי שָׁרֵית לֵיהּ בִּמְקוֹם שֶׁאֵין עוֹשִׂין בּוֹ מוּם – אָתֵי לְמֶעֱבַד בִּמְקוֹם שֶׁעוֹשִׂין בּוֹ מוּם.

about his property,[N] as the priest who is watching the firstborn wants to slaughter it before it dies, as if it dies, eating it would be prohibited. Therefore, **we say: If you permit him** to let blood **in a place that does not cause a blemish in** the animal, **he will come to do** so **in a place that causes a blemish in it,** to save his animal.

וְרַבָּנַן – כָּל שֶׁכֵּן, דְּאִי לָא שָׁרֵית לֵיהּ כְּלָל – אָתֵי לְמֶעֱבַד.

And the Rabbis respond that if that is the case, **all the more so** should it be permitted to let blood in a manner that will not cause a blemish, **for if you do not permit him** to take any steps to save the animal **at all, he will come to act** in a prohibited manner and cause a blemish. If there is a legitimate alternative, he will not cause a blemish in the firstborn.

וּמִי אָמְרִינַן לְרַבִּי יְהוּדָה אָדָם בָּהוּל עַל מָמוֹנוֹ? וְהָתְנַן, רַבִּי יְהוּדָה אוֹמֵר: אֵין (מְקַדְּרִין) הַבְּהֵמָה בְּיוֹם טוֹב – מִפְּנֵי שֶׁהוּא עוֹשֶׂה חַבּוּרָה, אֲבָל מְקָרְצְפִין. וַחֲכָמִים אוֹמְרִים: אֵין מְקַדְּרִין, אַף אֵין מְקָרְצְפִין.

The Gemara challenges this explanation: **And do we say** that **according to Rabbi Yehuda a person is agitated about his property? But didn't we learn** in a mishna that **Rabbi Yehuda says: One** may **not scrape an animal on a Festival** with a fine-tooth comb, **because** in doing so **he inflicts a wound,** which is prohibited on Festivals? **However, one** may **scratch**[B] an animal with a wide-tooth comb, as this does not inflict a wound. **And the Rabbis say: One** may **neither scrape nor even scratch,** for if one were permitted to scratch an animal he might come to scrape it as well.

וְתַנְיָא: אֵיזֶהוּ קִידּוּר וְאֵיזֶהוּ קְרָצוּף? קִידּוּר – קְטַנִּים, וְעוֹשִׂין חַבּוּרָה. קְרָצוּף – גְּדוֹלִים, וְאֵין עוֹשִׂין חַבּוּרָה!

And it was taught in the *Tosefta*: **What is scraping and what is scratching? Scraping** is performed with a comb with **small** teeth **and** with which **one inflicts a wound. Scratching** is performed with a comb that has **large** teeth **and** with which **one does not inflict a wound.** Apparently, Rabbi Yehuda does not issue a decree to prohibit scratching lest one come to scrape, even though he is agitated over his property.

הָתָם דְּאִי שָׁבֵיק לֵיהּ מַיְית – אָמְרִינַן: אָדָם בָּהוּל עַל מָמוֹנוֹ, הָכָא אִי שָׁבֵיק לֵיהּ – צַעֲרָא בְּעַלְמָא הוּא – לָא אָמְרִינַן: אָדָם בָּהוּל עַל מָמוֹנוֹ.

The Gemara rejects this contention: **There,** with regard to a firstborn, it is different, **for if he leaves it** and does nothing the animal **will die,** and therefore **we say** that **a person is agitated over his property.** In his agitated state he will overlook the details of permitted and prohibited actions and violate a prohibition. **Here,** however, **if he leaves** his animal and does not comb it, **it will merely** suffer **pain** from the stinging insects. In that case **we do not say** that **a person is agitated about his property.**

וְרַבִּי יְהוּדָה, מַאי שְׁנָא גַּבֵּי חָמֵץ דְּגָזַר וּמַאי שְׁנָא גַּבֵּי קְרָצוּף דְּלֹא גָּזַר? לֶחֶם בְּלֶחֶם – מִיחַלַּף, קִידּוּר בְּקְרָצוּף – לָא מִיחַלַּף.

The Gemara asks: **And** according to **Rabbi Yehuda, what is different with regard to leavened bread that he issued a decree** lest a person come to eat the prohibited food, **and what is different with regard to scraping that he did not issue** a comparable **decree?** The Gemara answers: Rabbi Yehuda maintains that unleavened **bread** might be **interchanged with** leavened **bread,** whereas **scraping** would **not be interchanged with scratching.** Since one uses a completely different utensil in the performance of the prohibited action, interchanging the two actions is unlikely.

מתני׳ רַבִּי מֵאִיר אוֹמֵר: אוֹכְלִים כָּל חֲמֵשׁ, וְשׂוֹרְפִין בְּתְחִלַּת שֵׁשׁ. רַבִּי יְהוּדָה אוֹמֵר: אוֹכְלִין כָּל אַרְבַּע, וְתוֹלִין כָּל חֲמֵשׁ, וְשׂוֹרְפִין בְּתְחִלַּת שֵׁשׁ.

MISHNA

The *tanna'im* disagree regarding until what time leaven may be eaten and at what time it must be removed on Passover eve. **Rabbi Meir says: One** may **eat** leaven **the entire fifth** hour of the fourteenth of Nisan, **and one** must **burn** it immediately afterward **at the beginning of the sixth** hour. **Rabbi Yehuda says: One** may **eat the entire fourth** hour **and** one **places it in abeyance** for **the entire fifth** hour,[N] **and one burns** it **at the beginning of the sixth** hour.[BH]

HALAKHA

Mealtime and removing leavened bread – זְמַן אֲכִילָה וּבִיעוּר חָמֵץ: On Passover eve it is permitted to eat leavened bread until the end of the fourth hour. During the fifth hour it is prohibited to eat leavened bread, but he may benefit from the leaven, either by selling it or feeding it to his animal, as the *halakha* is in accordance with the opinion of Rabbi Yehuda. At the beginning of the sixth hour one burns all leaven (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 443:1).

NOTES

A person is agitated about his property – אָדָם בָּהוּל עַל מָמוֹנוֹ: Some commentaries explain that these questions refer both to Rabbi Yehuda's opinion and that of the Rabbis, and the answers likewise apply to both opinions (contrary to the opinion of *Tosafot*). According to Rabbi Yehuda, as one is agitated about the prospect of losing his property, it is prohibited to perform even a minor action lest as a result of his panic he will overlook subtle details. According to the Rabbis, as one is agitated about losing his property, if there is no viable solution available, he will resolve the matter in a prohibited manner and disregard the prohibition. On the other hand, if there is a permitted method to save the animal he will act accordingly. The continuation of the Gemara should be understood along the same lines (Maharam Ḥalawa, based on the *ge'onim*).

One places it in abeyance for the entire fifth hour – תּוֹלִין כָּל חֲמֵשׁ: According to Rabbi Yehuda, it is permitted to derive benefit from leaven during the fifth hour. Why did Rabbi Yehuda issue a decree to extend the time that eating leaven is prohibited, but did not extend the time that deriving benefit from leaven is prohibited, as that is also prohibited by Torah law? Some answer that the Sages did not wish to issue a decree that would cause significant financial loss (*Penei Yehoshua*). Another explanation is that the Sages do not typically issue decrees prohibiting one from deriving benefit. For example, in the case of a mixture of milk and meat, which is prohibited by rabbinic decree, there is no prohibition against deriving benefit. That is prohibited only with regard to meat cooked in milk, which is prohibited by Torah law (Rashash). Alternatively, the reason is that the actions that are permitted at that time, i.e., feeding one's animal or selling the leaven, are not significant actions and do not warrant a decree (*Beit Avraham*).

BACKGROUND

Scraping and scratching – קִידּוּר וְקְרָצוּף: The *ge'onim* explain that scraping removes small insects from under the skin of the animal, which cannot be accomplished without wounding the animal. Scratching removes larger insects and can be accomplished with a comb that has larger bristles, without causing a wound.

The hours of the day and the night – שְׁעוֹת הַיּוֹם וְהַלַּיְלָה: The diagram, which is divided into twenty-four sections and should be read counterclockwise, depicts the hours of the day and night, in accordance with the system used in talmudic times. Sunrise is at the end of the twelfth hour of the night. The afternoon begins at the end of the sixth hour, while sunset is at the end of the twelfth hour of the day. Based on this model, the length of an hour clearly varies and the hours of the day are longer in the summer and shorter in the winter, while the hours of the night are longer in the winter and shorter in the summer.

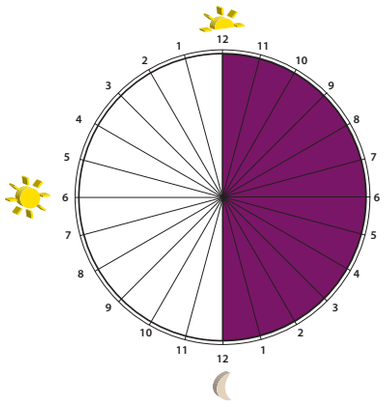


Diagram of the hours of the day

וְעוֹד אָמַר רַבִּי יְהוּדָה: שְׁתֵּי חַלּוֹת שֶׁל תּוֹדָה פְּסוּלוֹת מוּנָּחוֹת עַל גַּב הָאֵיצְטַבָּא, כָּל זְמַן שֶׁמּוּנָּחוֹת – כָּל הָעָם אוֹכְלִין, נִיטְּלָה אַחַת – תּוֹלִין, לֹא אוֹכְלִין וְלֹא שׂוֹרְפִין, נִיטְּלוּ שְׁתֵּיהֶן – הִתְחִילוּ כָּל הָעָם שׂוֹרְפִין.

And furthermore, Rabbi Yehuda said: Two disqualified loaves of a thanks-offering are placed on the bench in the colonnade in the Temple as an indicator. There was a specially designated place for these loaves in the Temple. **As long as** the loaves **are placed** there, **the entire nation** continues to **eat** leaven. When **one** of the loaves **was taken** away, the people know that the time had come **to place** the leaven **in abeyance,** meaning that they **neither eat nor burn** their leaven. When **they were both taken** away, **the entire nation began burning** their leaven.

רַבָּן גַּמְלִיאֵל אוֹמֵר: חוּלִּין נֶאֱכָלִין כָּל אַרְבַּע, וּתְרוּמָה כָּל חֲמֵשׁ, וְשׂוֹרְפִין בְּתְחִלַּת שֵׁשׁ.

Rabban Gamliel says that the times are divided differently: **Non-sacred** foods **are eaten the entire fourth** hour, **and** *teruma* may be eaten during **the entire fifth** hour. Since it is a mitzva to eat *teruma* and burning it is prohibited, additional time was allocated for its consumption. **And one burns** all leaven including *teruma* **at the beginning of the sixth** hour.

גמ׳ תְּנַן הָתָם: אֶחָד אוֹמֵר בְּשֵׁנַיִם בַּחֹדֶשׁ וְאֶחָד אוֹמֵר בִּשְׁלִשָּׁה – עֵדוּתָן קַיֶּמֶת,

GEMARA The Gemara seeks to draw a comparison between this dispute of Rabbi Meir and Rabbi Yehuda and a dispute between them on a different topic. **We learned** in a mishna **there:** If **one** witness **says** that an incident occurred **on the second** day **of the month and one** other witness **says** that it happened on **the third** day of that month, **their testimony is valid.** This minor contradiction does not invalidate the testimony.

שֶׁזֶּה יוֹדֵעַ בְּעִבּוּרוֹ שֶׁל חֹדֶשׁ וְזֶה אֵינוֹ יוֹדֵעַ בְּעִבּוּרוֹ שֶׁל חֹדֶשׁ.

The mishna explains: The reason is **that this** witness **knows about the addition** of an extra day **to** the previous **month.** Since he knows that the court added a day to the previous month, which lasted thirty days, he testifies that the incident occurred on the second day of the month. **And that** witness **does not know about the addition** of an extra day **to** the previous **month,**[N] and he therefore thinks that the incident in question occurred on the third of the month.

אֶחָד אוֹמֵר בִּשְׁלִשָּׁה וְאֶחָד אוֹמֵר בַּחֲמִשָּׁה – עֵדוּתָן בְּטֵלָה. אֶחָד אוֹמֵר בִּשְׁתֵּי שָׁעוֹת וְאֶחָד אוֹמֵר בִּשְׁלֹשׁ שָׁעוֹת – עֵדוּתָן קַיֶּמֶת, אֶחָד אוֹמֵר בִּשְׁלֹשׁ וְאֶחָד אוֹמֵר בְּחָמֵשׁ – עֵדוּתָן בְּטֵלָה, דִּבְרֵי רַבִּי מֵאִיר.

If **one says** that the incident occurred on **the third** day of the month **and one says** it happened **on the fifth, their testimony is void,** as there is no way to rationalize this contradiction.[H] Similarly, if **one says** the incident occurred **at two hours** of the day **and one says** it happened **at three hours, their testimony is valid,** as that discrepancy could be the result of the lack of precision. However, if **one says** it occurred **at three** hours **and one says** it took place **at five** hours, **their testimony is void.** This is **the statement of Rabbi Meir.**

רַבִּי יְהוּדָה אוֹמֵר: עֵדוּתָן קַיֶּמֶת. אֶחָד אוֹמֵר בְּחָמֵשׁ וְאֶחָד אוֹמֵר בְּשֵׁבַע – עֵדוּתָן בְּטֵלָה, שֶׁבְּחָמֵשׁ חַמָּה בַּמִּזְרָח וּבְשֶׁבַע חַמָּה בַּמַּעֲרָב.

Rabbi Yehuda says: In the last case, **their testimony is valid,** as it could be that one is slightly mistaken. However, if **one says** it happened **at five** hours **and one says at seven** hours, everyone agrees that **their testimony is void.** That is a clear contradiction that cannot be rationalized as a miscalculation, **as at five** hours of the day **the sun** is **in the east, and at seven** hours **the sun** is already **in the west.** It is impossible to confuse the fifth hour with the seventh.

אָמַר אַבַּיֵי: כְּשֶׁתַּמְצָא לוֹמַר, לְדִבְרֵי רַבִּי מֵאִיר – אֵין אָדָם טוֹעֶה וְלֹא כְּלוּם, לְדִבְרֵי רַבִּי יְהוּדָה – אָדָם טוֹעֶה חֲצִי שָׁעָה. לְדִבְרֵי רַבִּי מֵאִיר – אֵין אָדָם טוֹעֶה וְלֹא כְּלוּם, מַעֲשֶׂה כִּי הֲוָה בְּמֵיפַק תַּרְתֵּי וּמַעֵיֵיל תְּלָת, וְהָא דְּקָאָמַר שְׁתַּיִם – בְּסוֹף שְׁתַּיִם, וְהָא דְּקָאָמַר שָׁלֹשׁ – בִּתְחִלַּת שָׁלֹשׁ.

Abaye said: When analyzing the matter, **you will find** that you can **say** that **according to the statement of Rabbi Meir a person does not err at all,** as Rabbi Meir assumes that people know the exact time of day. **According to the statement of Rabbi Yehuda a person errs** up to **half an hour.** Abaye elaborates: **According to the statement of Rabbi Meir, a person does not err at all,** and the reason that in the case where one says two hours and one says three the testimony is valid is that **the incident** actually **occurred as the second** hour **ended and the third** hour **began. And** when **this** witness **said** it happened in **the second** hour he was referring to **the end of the second** hour. When **that** witness **said the third** hour he was referring to **the beginning of the third** hour.[B] It is possible that both witnesses spoke the truth.

לְדִבְרֵי רַבִּי יְהוּדָה אָדָם טוֹעֶה חֲצִי שָׁעָה, מַעֲשֶׂה כִּי הֲוָה – בְּפַלְגָא דְּאַרְבַּע הֲוָה, וְהַאי דְּקָאָמַר שָׁלֹשׁ – בְּסוֹף שָׁלֹשׁ וְקָטָעֵי פַּלְגָא דְּשַׁעְתָּא לְקַמַּיְיהּ, וְהַאי דְּקָאָמַר חָמֵשׁ – בִּתְחִלַּת חָמֵשׁ וְקָטָעֵי פַּלְגָא דְּשַׁעְתָּא לַאֲחוֹרֵיהּ.

Abaye continues his explanation: **According to the statement of Rabbi Yehuda, a person errs** by **half an hour,** as **when** the **incident occurred, it occurred at the midpoint of the fourth** hour, at three and a half hours of the day. **And this** witness, **who says three** hours, means **the end of the third hour, and** he **errs** by saying that it occurred **half an hour before** the incident actually occurred. **And that** witness, **who says five** hours, means **the beginning of the fifth** hour, i.e., the end of the fourth hour, **and he errs** by saying that it occurred **half an hour after** the incident actually occurred.[B] Since it is possible that their testimonies do not conflict, their testimony is valid.

NOTES

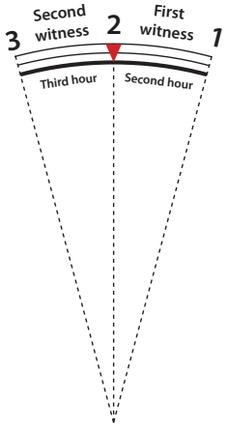
Does not know about the addition of an extra day to the previous month – אֵינוֹ יוֹדֵעַ בְּעִבּוּרוֹ שֶׁל חֹדֶשׁ: Some commentaries explain that this means simply that the witness did not know when the new month began, and this explanation is unrelated to the question of whether or not the court added a day to the month (*Nimmukei Yosef* on tractate *Sanhedrin*).

HALAKHA

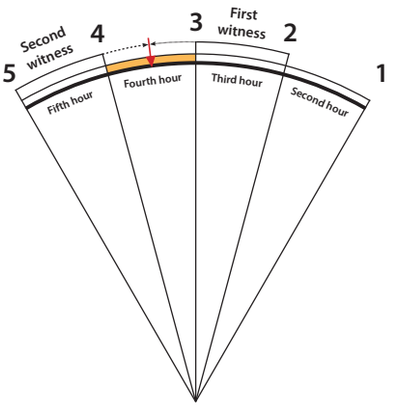
Contradictions in testimony – סְתִירוֹת בָּעֵדוּת: If two witnesses submitted contradictory testimony with regard to the day of the month when an incident occurred, e.g., one says it happened on the second day while the other claims it was on the third day, their testimony is valid. If there was a difference of two days between their accounts, their testimony is disqualified (*Shulḥan Arukh*, *Ḥoshen Mishpat* 30:7).

BACKGROUND

The opinion of Rabbi Meir – שִׁיטַת רַבִּי מֵאִיר: Rabbi Meir's opinion according to the first version of Abaye's explanation. The incident occurred at precisely the second hour of the day, as indicated by the arrow. Both witnesses referred to that time but referred to it by different names.



The opinion of Rabbi Yehuda – שִׁיטַת רַבִּי יְהוּדָה: Rabbi Yehuda's opinion according to the first version of Abaye's explanation. The range of error, marked with a dotted line, is half an hour, while the incident itself occurred at three and a half hours of the day, as marked by the arrows. Each of the witnesses erred by half an hour.

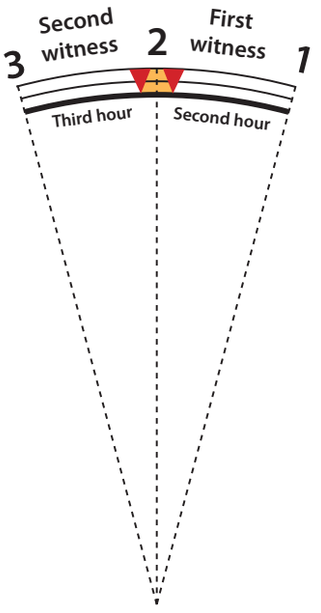


אִיבָּא דְּאָמְרִי, אָמַר אַבַּיֵי: כְּשֶׁתִּמְצָא לוֹמַר, לְדִבְרֵי רַבִּי מֵאִיר – אָדָם טוֹעֶה מַשֶּׁהוּ, לְדִבְרֵי רַבִּי יְהוּדָה – אָדָם טוֹעֶה שָׁעָה וּמַשֶּׁהוּ. לְדִבְרֵי רַבִּי מֵאִיר אָדָם טוֹעֶה מַשֶּׁהוּ, מַעֲשֶׂה כִּי הָוֶה – אוֹ בְּסוֹף שְׁתַּיִם הָוֶה אוֹ בִּתְחִלַּת שָׁלֹשׁ, וְחַד מִינַּיְיהוּ טוֹעֶה מַשֶּׁהוּ. לְדִבְרֵי רַבִּי יְהוּדָה – אָדָם טוֹעֶה שָׁעָה וּמַשֶּׁהוּ, מַעֲשֶׂה כִּי הָוֶה – אוֹ בְּסוֹף שָׁלֹשׁ אוֹ בִּתְחִלַּת חָמֵשׁ,

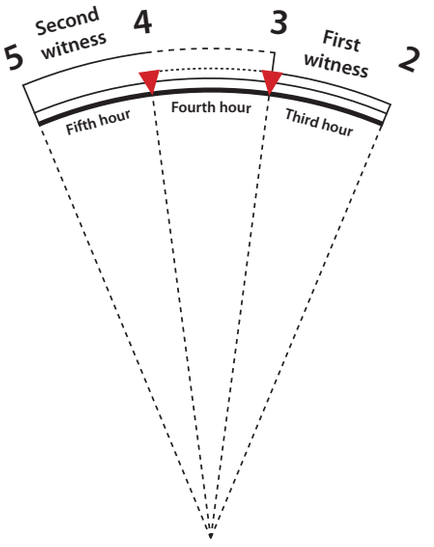
Some say a different version of this statement. **Abaye said: When** analyzing the matter, **you will find** that you can **say** that **according to Rabbi Meir a person errs a bit,** and **according to Rabbi Yehuda a person errs** by **an hour and a bit.** Abaye elaborates: **According to Rabbi Meir, a person errs a bit,** as **when** the **incident occurred, it occurred either at the end of the second** hour **or at the beginning of the third** hour, **and one of** the two witnesses **errs a bit.**[B] **According to Rabbi Yehuda, a person errs** by **an hour and a bit,** as **when** the **incident occurred, it occurred either at the end of the third** hour **or at the beginning of the fifth** hour,[B]

BACKGROUND

The opinion of Rabbi Meir – שִׁיטַת רַבִּי מֵאִיר: Rabbi Meir's opinion according to the second version of Abaye's explanation is that the incident occurred either at the end of the second hour or at the beginning of the third hour, as marked by the vertical lines. The area marked by the shading is the range of time that can be attributed to error.



The opinion of Rabbi Yehuda – שִׁיטַת רַבִּי יְהוּדָה: Rabbi Yehuda's opinion according to the second version of Abaye's explanation is that a person errs by slightly more than an hour, as indicated by the dotted lines. The incident occurred either at the end of the third hour or at the beginning of the fifth hour, each marked with a vertical line, as one of the witnesses erred by slightly more than an hour.



Perek **I**
Daf **12** Amud **a**

וְחַד מִינַּיְיהוּ קָטָעֵי שָׁעָה וּמַשֶּׁהוּ.

and one of them errs by **an hour and a bit.**

אֲזַל רַב הוּנָא בְּרֵיהּ דְּרַב יְהוּדָה אֲמַרָהּ לִשְׁמַעְתָּתָא קַמֵּיהּ דְּרָבָא, אֲמַר: וּמָה אִילּוּ דָּיְיקִינַן בְּהָנֵי סָהֲדֵי דְּהַאי דְּקָאָמַר שָׁלֹשׁ – בִּתְחִלַּת שָׁלֹשׁ, וְהַאי דְּקָאָמַר חָמֵשׁ – בְּסוֹף חָמֵשׁ, וְהָוְיָא עֵדוּת מוּכְחֶשֶׁת וְלָא קָטְלִינַן, וַאֲנַן נֵיקוּם וְנִקְטֵיל מִסְּפֵקָא? וְרַחֲמָנָא אָמַר: ״וְשָׁפְטוּ הָעֵדָה״ ״וְהִצִּילוּ הָעֵדָה״!

Rav Huna, son of Rav Yehuda, went and said the *halakha* of Abaye **before Rava.** Rava **said** to him that Abaye's explanation must be rejected: **And were we** to **closely examine** the statements **of these witnesses** and ask them when precisely the incident occurred, and find **that the one who says at three** hours means that it occurred **at the beginning of the third** hour, **and the one who says at five** hours means that it occurred **at the end of the fifth** hour,[N] it would **be contradictory testimony and we would not kill** the accused on the basis of this testimony; **and will we arise and kill** based **on uncertainty?** Although their testimony could be valid, it could also be void. Can the court execute the accused based on that uncertainty? **And** consider that **the Merciful One says** in the Torah: **"And the congregation shall judge… and the congregation shall deliver"** (Numbers 35:24–25),[N] from which it is derived that judges must do everything in their power to save an accused from the death penalty.

NOTES

A mistake in hours – טָעוּת בְּשָׁעוֹת: It is important to keep in mind that these witnesses did not determine the time by consulting a clock. Rather, they based their assessment on the position of the sun in the sky, the temperature, and other factors. Consequently, depending on the climactic conditions on that day, it was entirely possible that a person could have erred by two or three hours in his assessment of the time.

And the congregation shall judge…and the congregation shall deliver – וְשָׁפְטוּ הָעֵדָה וְהִצִּילוּ הָעֵדָה: There is a principle with regard to capital cases that the court is directed to consider the innocence of the accused. In fact, the court's approach should be to seek out ways to establish his innocence and reach a verdict of acquittal for the accused whenever possible. Due to the fact that in these courts there were no advocates for either the prosecution or the defense, it was critical that all claims supporting the defendant's innocence were illuminated by the court itself to the fullest extent possible.