

4.1.6

(והלכתא כווחיה דשמואל) 8b → (כל מקום שאין מכניסין) 8a

1	וַיֹּאמֶר שְׂמוּאֵל אֵיךְ אֶלֶךְ וְשָׁמַע שְׂאוּל וְהִרְגֵנִי	וַיֹּאמֶר ה' עֲגַלְתָּ בְקָר תִּקַּח בְּיָדְךָ וְאָמַרְתָּ לְזֶבֶחַ לַה' בְּאֵתִי: שְׂמוּאֵל טז, ב
2	כִּי אֹרִישׁ גּוֹיִם מִפְּנֵיךָ וְהִרְחַבְתִּי אֶת גְּבוּלְךָ וְלֹא יִחַמַּד אִישׁ אֶת אַרְצְךָ בְּעֵלְתֶךָ לְרֹאוֹת אֶת פְּנֵי ה' אֱלֹהֶיךָ שְׁלֹשׁ פְּעָמִים בְּשָׁנָה: שְׁמוֹת לד, כז	
3	וּבְשֵׁלֶת וְאֶכְלֶת בַּמָּקוֹם אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ וּפְגִיטָה בַּבֶּקֶר וְהִלְכֶתָּ לְאֵלֶיךָ: דְּבָרִים טז, ז	

I. Analysis of clause #2: ... כל מקום

a. *Extends to*: Include inaccessible or unusable places

i. *Including*: crevices (too high or low); pitched roofs, animal pens, food storage sheds

1. *Including*: wine cellars if accessed during meal

a) *Note*: beer/mead cellars also need בדיקה (בבבל)

b) *Note*: fish storage room requires בדיקה

i. *Only if*: holding small fish which are accessed during meal

c) *Note*: salt, wax, wood, date storage need בדיקה

2. *However*: oil storage rooms do not require בדיקה (never accessed during meal)

ii. *דש"ג*: a bed used to divide a room needs בדיקה is there is room underneath

II. Extent of obligation to check: dangerous circumstances

a. *If*: protection for חמץ under fallen wall which could be dug up (by an animal), but there is danger of scorpions – no obligation

i. *In spite of*: principle of שלוחי מצוה אינן ניזוקין – he may also later check for his own needs

ii. *Danger*: may refer to non-Jewish neighbor suspecting you of witchcraft (candle at night etc.)

1. *In spite of*: principle of שלוחי מצוה...; doesn't apply in place of clear danger (v. 1)

b. *Tangent*: protection for שלוחי מצוה on their return

i. *Question*: asked of רב re: students coming to בית מדרש while dark

ii. *Answer*: coming to ביהמ"ד is fine; returning is unclear – response given (also safe) as quote from ר"א:

1. *Source*: from בעלייה לרגל – upon return from ירושלים, all are promised to find their homes safe (vv. 2-3)

a) *Note*: that verse teaches that only landowners are חייב בעלייה לרגל

2. *Tangent*: ירושלים was denied the greatest luxuries (fruit, springs) so that people will come לשמה

III. Analysis of משנה: 3rd clause (the wine cellar)

a. *Inserted*: as response to 2nd clause "כל מקום" – no need for checking unless it is accessed during meals

IV. Analysis of dispute between ב"ש and ב"ה re: amount of rows to be checked

a. *ב"ש*: 2 rows over entire cellar

i. *דב יהודה*: facing row and one behind it, from floor to ceiling (ברייתא supporting)

ii. *ד' יוחנן*: facing row and top row (like sideways "L") (ברייתא supporting)

b. *ב"ה*: 2 rows which are the **outer, upper**

i. *דב*: topmost and one under

1. *עליונות*: is the key; חיצוניות only mentioned to exclude inner rows

ii. *שמואל*: topmost and one behind it

1. *חיצוניות*: is the key, עליונות only mentioned to exclude lower rows

2. *Final ruling*: follows שמואל