

4.1.9

10b (משנה ג) → 11b (לא מיחלף)

Note: the תורה forbids eating any new grain (חדש) that sprouted after פסח until the next year's עמר is offered. The תורה refers to the עמר as ראשית קצירכם, indicating that that offering ought to be the 1st grain harvested.

(1) מצות יאכל את שבעת הימים ולא יראו לה חמץ ולא יראו לה שאר בכל גבלך: שמות יג, ז
 (2) שבעת ימים שאר לא ימצא בבתיכם כי כל אכל מחמצת ונכרתה הנפש ההוא מעדת ישראל בגר ובאזרח הארץ: שמות יב, ט
 (3) שבעת ימים מצות תאכלו אך ביום הראשון תשביתו שאר מבתיכם כי כל אכל חמץ ונכרתה הנפש ההוא מישראל מיום הראשון עד יום השבעי: שמות יב, טו

- I. בדיקת חמץ re: יהודה/חכמים dispute: משנה ג'
 - a. (שעת הביעור) - per vv. 1-3 check 14th at night, morning and at midday ד' יהודה
 - b. חכמים: check 14th at night; if not – at morning; if not – at midday –or during time of איסור
 - i. Clarification: ר' יהודה also intends 1 בדיקה – dispute is whether we allow בדיקה pasts זמן ביעור
 - ii. ד' יהודה is concerned that if he finds חמץ he may eat it
- II. Analysis of ר' יהודה's concern דימלא אתי למיכל מיניה
 - a. Challenge1: from ruling re: preparing חדש before העמר (מנחות י:ה)
 - i. Positions: ר"מ was opposed to practice; ר' יהודה was in favor
 - ii. Answer (רנב): harvesting and threshing of חדש only allowed (before עמר) via שינוי, they'll remember not to eat
 - b. Challenge2: from מנחות יח: – allowing harvesting of חדש from flooded fields (we determined author to be יהודה ר')
 - i. Answer (אביי, to both challenges): people instinctively avoid חדש, not חמץ
 - ii. Note (רנב): there's also a contradiction within רבנן (חמץ vs. חדש)
 - 1. Resolution (רנב): since you are searching in order to burn חמץ, won't eat it, unlike חדש
 - iii. Answer (in ר' אשי's name, rejected as a false report): חדש is inedible as is
- III. Challenges to implications of ר' יהודה's rulings:
 - a. Stringency: יהודה establishes precautionary גזירה wherever people don't instinctively avoid the חפץ
 - i. Challenge: שבת ב:ה - יהודה ר' allows using oil in a candle-source on שבת,
 - 1. Even though: people generally access oil (if they did so on שבת, it would be גרם כיבוי)
 - 2. Answer: people have instinctive fear of שבת and will avoid it
 - a) Tangent: contradiction re: שבת, where ר' יהודה, contra חכמים, forbids making a bow in a broken rope
 - i. Answer: ר' יהודה disallows because he holds (שבת טו:א) that a bow is a full קשר
 - ii. Associated contradiction: within ר'בנן's position re: tying
 - 1. דבנן: do not allow using a weaver's rope (certainly will be untied later) to secure a pail, ר"י מתיר
 - 2. Answer: people will confuse 1 rope with the other; won't confuse making a bow with a knot
 - b. Leniency: יהודה doesn't establish precaution wherever people instinctively avoid the חפץ
 - i. Challenge1: ברייתא – יהודה ר' forbids כהן from דם from any part of בהמה
 - 1. Concern: perhaps he'll make a מום
 - 2. Answer: he's concerned about the financial loss and will let blood from problematic site (e.g. lip)
 - a) ר'בנן's position (they allow): if we don't allow him at all, he'll violate the ruling
 - ii. Challenge2: ביצה ב:ח – יהודה ר' allows combing an animal on י"ט with large-tooth comb (doesn't make חבורה)
 - 1. Answer: the psychological mindset of the owner is not the same
 - a) בכור: if he doesn't let blood properly, the animal will die and he'll lose his equity
 - b) Combing: if he doesn't use small-tooth comb, the animal will be uncomfortable
 - i. In addition: he'll be able to properly comb it after י"ט