

## 4.1.11

12b (שורפין) → 14a (אמר רב שימי בר אשי) כב

(1) וּנְכַבְּשָׁה הָאָרֶץ לְפָנֵי ה' וְאַחַר תֵּשְׁבוּ וְהִייתֶם נְקִיִּים מֵה' וּמִיִּשְׂרָאֵל וְהִיְתָה הָאָרֶץ הַזֹּאת לְכֶם לְאֶחָזָה לְפָנֵי ה': בַּמְדָּבָר לֵב, כֵּב

I. *Even if*: 1 testified that it took place "during" sunrise and the other said it was before – dissimilar and no

- a. *Even if*: 1 testified that it took place "during" sunrise and the other said it was before – dissimilar and no
  - i. *Note*: original version – "one said after הַנֶּחֱמָה and the other said הַנֶּחֱמָה" rejected as too obvious
  - ii. *Justification*: perhaps they saw it at the same time, but one was in a place where he saw the first glimmers – קמ"ל

## II. הלכה כר' יהודה: רב's ruling in the name of ר' נחמן

- a. *Challenge* (רבא): הלכה should follow ר"מ (סתם is ב:א)
  - i. *Answer*: ר"ג is *not* סתם, as we discuss there – due to awkward word "מותר" – it's authored by ר"ג
  - ii. *Challenge*: then הלכה should follow ר"ג – as he is the "מכריע" between ר"מ and ר' יהודה (and דברי המכריע)
    - 1. *Answer*: he isn't מכריע between them; rather, he is expressing his own independent position
  - iii. *Variation*: רב follows ברייתא (which approximates ג:טיא פסחים) which determines הלכה כראב"י (תוספתא פסחים)
    - 1. *Evidently*: meaning that one may eat until ד' שעות (supports ר' יהודה's time-frame)
    - 2. *Rejection* (רבא): הלכה only follows ר' אליעזר ב"ר יהודה re: destruction of חמץ on ע"ש (13<sup>th</sup>)
      - a) *Support*: from רבי, who allowed an entrusted bag of חמץ to be watched until 4<sup>th</sup> hour
        - i. *Then*: he instructed גבאי בית דין to sell it
          - 1. *Assumption*: he allowed selling it to גוי, per יהודה
          - 2. *Rejection*: perhaps he was selling it to ישראל
            - a. *But*: not to himself, so as to stay clear of suspicion (per v. 1)
            - b. *Rejection*: רב יוסף had already taught that רבי instructed to sell it to גויים – per יהודה
      - 3. *Rejection*: ruling follows רשב"ג (ב"מ ג:): a פקדון that is being forfeited should be sold
        - a. *Rejection*: even רבנן agree that if loss is substantial it should be sold

## III. שעות further dispute about משנה ה

- a. *Support* (for יהודה): there were 2 לחמי תודה פסולות displayed
  - i. *Note*: should read "גג האיטבא" (not "גב") – should be displayed and not hidden
- b. *When* 1: was taken down, people knew to avoid eating חמץ; when 2<sup>nd</sup> was taken down, they knew to destroy חמץ
  - i. *The sign*: dispute among ר' חכמי א"י as to the meaning of the "פסולות"
    - 1. *חנינא*: due to the abundance of לחמי תודה brought on 13<sup>th</sup>, there were נותרים
      - a) *Brought*: on 13<sup>th</sup>, per consideration of הפסול לבית הפסול
      - b) *תודה*: and its loaves are eaten for 1 day and the following night
    - 2. *פסול ד' ינאי*: they were פסול
      - a) *שחיטה*: invalidated after *לרבי*
      - b) *זריקת הדם*: invalidated just before *לראב"ש*
    - 3. *כשר ד' אלעזר*: they were כשר
    - 4. *אבא שאול*: entirely different sign
      - a) 2 bulls: plowing on הר הזיתים – when 1 was stopped, stop eating חמץ; when 2<sup>nd</sup> stopped – destroy חמץ
- c. חמץ are eaten until 4 hours (like יהודה); תרומה – until 5 (like ר"מ)
  - i. *And*: all are destroyed at 5 hours