

29.6.4

67b (משנה ד) → 68b (וחייש לספיקא)

1. ולחם וקלי וקרמל לא תאכלו עד עצם היום הזה עד הביאכם את קרבן אלהיכם חקת עולם לדרתיכם בכל משבתיכם: ויקרא כג, יד

- I עשרון process of offering משנה ד
- a oil and frankincense: he would put them on, mix them in, perform תנופה and then הגשה, take a קומץ and burn it
  - b remainder (שיריים): eaten by כהנים
- II 'ה משנה: immediate response: marketplace of Jerusalem filled with toasted flour
- a ד"מ. against wishes of חכמים
  - b ד' יהודה were in favor of this
- III analysis of dispute ד"מ/ר"י
- a subtext: ר' יהודה is (evidently) unconcerned that people will eat that which is prohibited until it is permissible – allows for bringing grain into marketplace before היתר generated by הבאת העמר; ר"מ seems to have that concern
  - b challenge: re: חמץ, ר"י shows a concern that people will eat חמץ → no בדיקה after שעת הביעור; שעת הביעור allow for later בדיקה
    - i answer1 (רבה): חדש must be picked by hand, he'll remember
      - 1 challenge (אביי): that works for קצירה, but they also mill and thresh
        - (a) defense: they mill with a hand-mill and thresh right on top of the sieve (i.e. both done in unusual manner)
        - 2 challenge (אביי): ח: מנחות allows for pre-cutting (with scythe) from בית השלחין (irrigated fields)
      - ii answer2 (אביי): people naturally avoid חדש, but not חמץ → need for extra safeguard
        - 1 comment (רבא): that resolves ר' יהודה; what about רבנן?
      - iii answer2b (רבא): ר' יהודה is answered per אביי; רבנן: since he is looking for חמץ in order to burn it, he's not likely to eat
      - iv answer3 (רבא): our משנה describes קמח קלי – unfit for eating → no concern they will eat before הבאת העמר
        - 1 rejection: this is an errant report – how do we account for the grain before it is toasted?
          - (a) defense: per רבה – it is picked by hand (etc. – milled and threshed ע"י שינוי)
          - (b) challenge: irrigated fields...rather, that report of רבא is in error

IV משנה ה: permission to eat new grain with offering of עמר (or that day)

    - a once brought: חדש is permitted immediately
      - i those who live far away: are allowed to eat from midday (by then, they are assured it has been brought)
    - b תקנת ריב"ז. after חרבן, entire day is אסור
    - c דבי יהודה. that rule is מה"ת – per v. 1: עד עצם היום הזה
      - i if so: why are those who live far permitted from midday on
      - ii answer: they know that ב"ד is not lazy and brings it by midday (at the latest)

V Discussion:

    - a מתיר 16<sup>th</sup> ד"ס. when there is a מקדש, the עמר permits; when there is none, the first light of the 16<sup>th</sup> is מתיר
      - i per: v. 1 – עד יום הביאכם vs. עד עצם היום הזה
    - b מתיר 17<sup>th</sup> ד"ס. even when there is a מקדש, the first light is מתיר
      - i challenge: עד הביאכם answer: that is ideal (למצוה) but not necessary
      - ii challenge: our משנה answer: למצוה
      - iii challenge: (next משנה) – עמר is מתיר new grains for citizenry, שתי הלחם – for מקדש answer: למצוה
      - iv challenge: ריב"ז's ordinance
        - 1 reason for תקנה: when מקדש is rebuilt, people will eat from first light, not knowing that they were allowed to do so in previous years due to a lack of קרבן
        - 2 explanation: if the essential law is to permit – even when עמר is brought – at first light, no need for גזרה
        - 3 defense: ריב"ז agrees with יהודה, ר' יהודה it is prohibited until end of day (if no קרבן), per עד עצם היום הזה
          - (a) and: reading "עד" as inclusive ("עד ועד בכלל")
        - 4 challenge: ריב"ז and ר' יהודה disagree, as evidenced in our משנה
          - (a) correction: ריב"ז misunderstood ר' יהודה, thinking that his תקנה was מד"ס
            - (i) and: "התקין" means דרש והתקין – i.e. he studied and concluded that it is מה"ת and ordained it so

VI Practice among אמראי בבבלי

      - a ספיקא דיומא ד"ס –no extension to אסור בח"ל from חדש on the eve of the 17<sup>th</sup>, holding that חדש is only בח"ל
      - b דרבנן דבי ר"א. would eat on the 17<sup>th</sup> in the morning, holding חדש is אסור בח"ל – תורה – but ריב"ז's ruling was only דרבנן and only included the day of הניף יום itself – not the morrow
      - c ספיקא דיומא ד"ס. told that his father would wait until after 17<sup>th</sup> (eve of 18<sup>th</sup>); holding like ר' יהודה and concerned about דבי ר"א