

OVERVIEW of the Daf

1) One-fifth surcharge (cont.)

The challenge to R' Nachman's resolution of the contradictory Beraisos is resolved.

Rava offers an alternative explanation of the Baraisa.

2) Pursuing the victim to return the stolen property

R' Pappa asserts that the Mishnah's ruling that exempts the thief from pursuing the victim if he owes him less than a perutah applies only if the stolen object no longer exists but if the stolen object is still intact it must be returned.

A second version of R' Pappa's statement is presented.

Rava issues a similar ruling and cites our Mishnah as proof to this ruling.

Rava presents a related inquiry that he himself resolved.

The Gemara clarifies Rava's wording.

Tangentially, another inquiry of Rava is presented that relates to a nazir removing his last two hairs.

R' Acha of Difti challenged the premise of the question and Ravina revises Rava's inquiry.

Rava himself resolves the inquiry and the Gemara explains his wording.

Another tangential inquiry of Rava is presented, this one relating to tumah.

R' Yeimar unsuccessfully challenges the premise of Rava's inquiry and the inquiry is left unresolved.

3) Swearing falsely regarding chometz

Rava inquires whether one who falsely swore that he did not steal chometz is considered to have sworn falsely related to a monetary obligation or not.

It is noted that according to Rabbah it is certainly a monetary matter.

R' Amram unsuccessfully challenges Rabbah's ruling.

Three phrases that appeared in the Baraisa cited by R' Amram are clarified.

4) Witnesses who falsely deny having knowledge of testimony

In a Baraisa Ben Azzai mentions three examples of a witness

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REVIEW and Remember

1. Why is it necessary for a robber to pursue his victim to return an object that is worth less than a perutah?

2. How many hairs must be removed to be considered shaving?

3. What is a תדורא?

4. What is the status of a person who denies possession of an item that was given to him as a deposit?

Distinctive INSIGHT

Sealing a hole in a barrel

ואמר רבא הרי אמרו חבית שניקבה וסתמוה שמרים הצילוה

Rava presents an inquiry regarding an earthenware barrel that covers a skylight in the roof between two stories of a building. Tum'ah of a corpse is situated in the lower level, and the barrel effectively seals the opening through which the tum'ah would spread to the upper level. If the barrel develops a hole, it can become tamei itself, and no longer constitute a barrier to block the tum'ah from below. Rava's question is about a hole in a barrel which was subsequently sealed partially with clay. We do know that the Mishnah (Keilim 10:6) teaches that if a barrel has a hole, and the hole becomes plugged with the sediments of the wine, this is considered filled, and no tum'ah passes into the barrel. Where the hole was partially filled, do we say that the remaining hole is too small to allow tum'ah to pass, or do we say that the hole was originally large enough to allow tum'ah to pass, and it was not repaired adequately?

Rav Yaimar attempts to resolve the issue and show that sealing half the hole is inadequate, but R' Ashi refutes the proof, and the issue remains unresolved.

Rashi explains the barrel discussed in the inquiry of Rava is one which was placed in the skylight between two floors of a building, and the question is whether it serves to block the propagation of tum'ah from the lower level to the upper level. Tosafos questions this, as the Mishnah brought by Rava to introduce his inquiry is from Masseches Keilim, and it discusses whether a hole in a container will save the contents of the container from becoming tamei. If Rashi's understanding was correct, the issue should have been discussed in Masseches Ohalos, where the rules regarding the spread of tum'ah between different rooms and buildings are discussed. Furthermore, Tosafos notes that the term to stop the spread of tum'ah between rooms

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HALACHAH Highlight

Fulfilling half a mitzvah

בעי רבא גזל שתי אגודות בפרוטה והחזי לו אחת מהן מהו

Rava inquired: If someone stole two bundles that were worth a perutah and returned one of them what is the halacha?

Nesivos Hamishpat¹ in his commentary to the haggadah writes that a person who cannot eat a k'zayis of marror is not obligated to eat any marror whatsoever. The rationale behind this ruling is that there is no obligation for a person to fulfill half of a mitzvah. He cites our Gemara as proof to this principle where the Gemara states that a person who stole two bundles that are together worth a perutah and returns one of them has not fulfilled a mitzvah. This proves the principle that one is not credited with a mitzvah if he fulfills the mitzvah in a way that does not conform to the minimum requirements of the mitzvah. This matter is discussed by other Poskim, and the crux of the issue is whether we say that just as regarding prohibitions there is a concept of חצי שיעור—half a measure, meaning one is prohibited from violating a prohibition even if he does not cross the threshold to be liable for punishment, so too regarding positive commandments there is a principle of חצי שיעור. Thus there is a dispute² whether a person would make the beracha of מצה על אכילת מצה if he will only eat half a k'zayis of matzah.

Teshuvos Even Yikara³ expressed uncertainty about the halacha in the following case. Someone had a k'zayis of chometz on Erev Pesach and he burned only half of that chometz. According to the opinion who maintains that one does not violate the prohibition

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swearing falsely that he had no information about a lost object when, in fact, he did have information.

R' Chanina is cited as explaining that the witness will be exempt from offering a korban in these cases whereas Shmuel maintains that he will be liable to offer a korban.

The Gemara connects this dispute with a dispute between Tannaim and explains the point of dispute between those Tannaim.

5) A shomer who denies the depositor's claim

R' Sheishes asserts that a shomer who denies the depositor's claim becomes liable even for אונסין like a robber.

A Mishnah is cited as proof to this ruling.

The proof is successfully challenged.

Rami bar Chama unsuccessfully challenges R' Sheishes from a Mishnah.

Proof to the distinction just cited is presented. ■

against owning chometz if he has less than a k'zayis has he fulfilled the mitzvah to destroy chometz (תשביתו)? Do we say that once he has taken a step so that he will not violate the prohibition against owning chometz he has fulfilled the mitzvah to destroy chometz or perhaps since he did not destroy all of his chometz he has not fulfilled his obligation? Based on our Gemara he concludes that one has not fulfilled the mitzvah since he did not destroy all of the chometz that was in his possession. ■

1. הגדת מעשה נסים

2. ע' שו"ת שבות יעקב ח"ב סי' י"ח ושו"ת יהודה יעלה או"ח סי' קל"ז

3. שו"ת אבן יקרה מהדו"ל סי' צ' ■

STORIES Off the Daf

The limits of a Chumrah

חמץ שעבר עליו הפסח

Today's daf discusses chometz that remained in someone's possession for Pesach.

Many are unwilling to use even chometz that they are certain was sold in good faith.¹ Yet even though Rav Shlomo Zalman Auerbach, zt"l, was also careful regarding this chumrah, he also set clear boundaries as to how far it extends.

Some students in Kol Torah asked Rav Shlomo Zalman permission to go home for Shabbos. The reason they gave was that they were careful not to use flour ground before Pesach even if it had been sold.

To their surprise, Rav Shlomo Zalman refused since he held that this was an unnecessary stringency. It's not as if there was any evidence that the flour had been chometzdik before Pesach, so it was clear to

him that there was no halachic reason to take this chumrah so far.

Those who do not rely on mechiras chometz after Pesach are often in a quandary regarding when the production is from new flour so that they would be permitted to purchase different items. Certain important rabbonim urged Rav Shlomo Zalman to join them in pressuring the va'adei hakashrus to publicize the dates that various products were produced from flour that was not sold for Pesach.

Although Rav Shlomo Zalman himself observed this chumrah, he refused to have any part of this. "On the contrary, I don't want to put my name to anything that would implicitly invalidate the sale of chometz, since the geonim of earlier times relied on the sale after Pesach. "Let those who wish to be stringent in this matter find out the dates themselves!"² ■

1. מעשה רב אות קפ"א

2. הליכות שלמה פסח ע' קל"ח אות 43

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is usually חציצה (intercession), whereas the term used here (הצללה) is commonly used in reference to a container protecting its contents from tum'ah.

Therefore, Tosafos explains that we are dealing with an earthenware barrel which has a sealed cover (צמיד פתיל) which is located in a room with a corpse. No tum'ah can enter the container unless it has a hole the size of which would admit liquid to penetrate. If this size hole is plugged with the sediments of the wine in the barrel, the barrel is considered solid. The Gemara in Shabbos presents another standard for a broken jug, and that is where the barrel was cracked up to 50%, and was completely repaired. Until the jug is cracked 50%, it can be repaired and still be considered to retain its integrity as a utensil. This, then, is the case in which Rava proposed his inquiry according to Tosafos. ■