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OVERVIEW of the Daf

1) The source for when chometz becomes prohibited (cont.)

Abaye finishes identifying the source in the Torah from which we learn that chometz becomes prohibited during the day of the fourteenth of Nisan.

D'vei R' Yishmael and R' Nachman bar Yitzchak suggest alternative expositions that serve as the source for the Biblical prohibition against chometz beginning on the fourteenth.

The Gemara unsuccessfully challenges R' Nachman bar Yitzchak's exposition.

In response to the challenge, the Gemara quotes a teaching from D'vei R' Yishmael that as reward for fulfilling the three mitzvos that are called "first", Klal Yisroel merits three rewards.

Rava suggests an alternative exposition for the source that the prohibition against chometz begins on the fourteenth.

A Baraisa is cited that supports Rava's exposition.

Rava infers three halachos from R' Akiva's statement in the Baraisa.

2) The prohibition against owning chometz

A Baraisa is cited that expands upon the two sources that prohibit owning chometz on Pesach.

Abaye and Rava offer different explanations for a difficult passage from the cited Baraisa.

A contradiction in the Baraisa regarding possessing a non-Jew's chometz is noted.

The Gemara differentiates between a case where one accepted responsibility for chometz of a non-Jew and a case where one did not accept responsibility.

An incident related to this concept is cited.

The Gemara unsuccessfully challenges the ruling that one should be liable for possessing a non-Jew's chometz for which he accepted responsibility. ■

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By Mr. & Mrs. Dennis Ruben in memory of
הילדה רבקה דינה ע"ה בת ר' דוד שיחי'

Distinctive INSIGHT

The prohibition of slaughtering the Pesach while owning chometz

זמן שחיטה אמר רחמנא

The Torah commands that we nullify chometz on "the first day". This time period referred to is actually not the first day of Pesach, but it is the day before Pesach. The reason we know this is that the Torah also prohibits us to have any chometz at the moment we slaughter the Korban Pesach (ibid. 34:25), which is on the day before Pesach.

Tosafos (ד"ה זמן) notes that later the Gemara (63a) teaches that the prohibition of לא תשחט על חמץ is understood to apply to any individual who slaughters his Korban Pesach while he possesses chometz. In other words, we do not say that the verse is coming to establish a specific hour when chometz is prohibited, and that anyone who owns chometz past the sixth hour is in violation of the Torah's command. This is a negative commandment which applies simply to the one who slaughters the korban while being in possession of chometz.

According to Tosafos, what is the source from which we learn the hour of not owning chometz?

Tosafos answers that these two halachos seem to be connected. Because we find that the Torah commands to nullify chometz, and we also know that the Torah prohibits slaughter of the korban Pesach with chometz

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REVIEW and Remember

1. What are the three rewards Klal Yisroel merits for fulfilling the three mitzvos that are called "first"?

2. What are the three laws Rava inferred from R' Akiva's statement in the Baraisa?

3. Explain why the Torah needs the statement לא יראה as well as לא ימצא?

HALACHAH Highlight

Beware investors!

ת"ר שבעת ימים שאור לא ימצא בבתיכם כו' ... שלך אי אתה רואה אבל אתה רואה של אחרים. יכול יטמין ויקבל פקדונות מן הנכרי ת"ל לא ימצא

When purchasing shares in the stock market, the Jewish investor has to be aware of more than just issues of business ethics! The nature of the company's product has also to be taken into consideration. One major consideration is that the prohibition of owning chometz during Pesach is not only chometz that belongs to the person himself. Even chometz of a non-Jew that is in one's domain, when he is responsible for it, constitutes owning chometz over Pesach in the eyes of halachah, and thus involves the negative commandment of בל יראה. The Rishonim differ over the level of responsibility one needs to have in order to transgress the commandment.

The first school of Rishonim[1] maintains that only when the Jew is fully liable for the chometz i.e. that he is being paid by the non-Jew and is thus culpable for theft and loss does he transgress the לאו.

The second school[2] is more stringent, and they rule that even an unpaid guardian who is only responsible for negligence, still transgresses.

The most stringent opinion[3] even obligates a Jew who has no halachic responsibility to guard the chometz, but that the non-Jew would coerce into replacing it if it was lost.

(Overview...Continued from page 1)

in one's possession, these two time frameworks are understood to converge. The Torah is therefore teaching that chometz is prohibited beginning from the moment we can begin to slaughter the Pesach, and it prohibits chometz at that time, thereby defining a Torah violation. ■

The Mishna Brura[4] states that a person should preferably follow the most stringent opinion and sell even chometz of this type. However, returning the chometz to its owners[5] would avoid the issue completely, as it is permitted to leave the chometz of a non-Jew for which one is responsible in that non-Jew's house.

Regarding chometz investments, modern day poskim dispute the status of someone who owns shares in a company which has chometz in its possession. This shareholder has a right to vote on the company's investments, has a portion in it's profits and shares in its losses. Dayan[6] Weiss, zt"l, understands that the shareholder is considered a partner in the business and should therefore sell those shares with the rest of his chometz in order not to violate the prohibition. Others[7] permit owning these shares over Pesach, as it falls under the category of the chometz of a non-Jew that is left in the non-Jew's house. ■

1. ברא"ש בסימן ד' ובטור בסימן ת"מ כתבו שכן דעת הר"י
2. כן דעת הבה"ג שהובא שם
3. הרמב"ם בהלכות חמץ פ"ד הלכה ד'
4. המ"ב בסימן ת"מ ס"ק ח'
5. שם ס"ק ז'
6. בשו"ת מנחת יצחק ח"ג סימן א'
7. בשו"ת חשב האפוד ח"א סימן ס"ב בד"ה הנה על. ועע"ש בשם הגאון מטשעבין זצ"ל ■

Distinctive INSIGHT

The name of Moshiach

ולשמו של משיח

Maharsha tells us that the name of Moshiach to which we refer is מנחם, which we will merit through the mitzvah of lulav. The connection between these two concepts, and the significance of the name of Moshiach, however, is not explained.

Perhaps we can understand both these points in light of the famous disagreement at the time of Napoleonic Wars. Whereas many of the Rebbes at the time felt that it was an auspicious time for the arrival of Moshiach, others, led by R' Naftali of Ropshitz, zt"l, felt that they did not anticipate such an arrival if it exacted such a high price in Jewish blood and suffering.

This Gemara, then, would possibly be a proof to R' Naftoli. The name Menachem means a comfort. When the Gemara tells us that we will merit the name of Moshiach, this signifies that the redemption should come without suffering. The way to merit this condition will be through the mitzvah of lulav, which, according to Chazal, signifies the weapons which we lift to celebrate our victory in judgment on Rosh HaShana, making any other war or judgment unnecessary. ■

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