

OVERVIEW of the Daf

1) Making a mistake about time (cont.)

Rava presents an alternative explanation of the opinions from the Mishnah in Sanhedrin regarding the allowable discrepancy between the witnesses testimony about the time of an event.

The earlier part of the Mishnah in Sanhedrin is cited to further clarify R' Meir's and R' Yehudah's respective opinions regarding allowable discrepancy concerning time.

The dispute between R' Meir and R' Yehudah regarding the time when the prohibition against eating chometz is cited and explained according to Abaye and Rava.

2) Mealtime

A Beraisa is cited that elaborates on the time of day different groups of people eat their first meal.

3) Making a mistake about time (cont.)

R' Ashi emphasizes that the resolution presented earlier between the Mishnah in Sanhedrin and our Mishnah is correct, and one should not mistakenly assume that there is a dispute regarding the position's held by R' Meir and R' Yehudah.

R' Shimi bar Ashi teaches that although a discrepancy regarding hours is acceptable for testimony, if one witness reports that the event took place before sunrise and the other claims the event took place during sunrise their testimony is invalid. ■

REVIEW and Remember

1. On what basis did Rava reject Abaye's explanation?

2. What is the difference between חקירות and בדיקות?

3. How does Abaye differentiate between the laws of testimony and the laws of chometz?

4. Why do workers eat later than most other people?

Distinctive INSIGHT

The bais-din seeks out all avenues of innocence

ורחמנא אמר ושפטו העדה והצילו העדה

Rashi explains (ד"ה והא רחמנא אמר) that the court is exhorted to search for every possible avenue to exonerate the defendant. Rashbam (Bava Basra 50b, ד"ה שניהם) writes that the verse cited above in our Gemara is the source from which we learn that in capital punishment cases, when in doubt, we must be lenient (ספק נפשות להקל).

Tosafos (ibid. ד"ה וספק נפשות להקל) wonders why we would need a special verse to teach us this rule of how to proceed in a case of doubt. It would seem obvious that we would not put the defendant to death if there is any element of doubt in our mind, because we do not even extract money from one person to another if we have a doubt. Surely, even without an explicit verse we would not take a life if we are lacking an adequate degree of certainty.

Harav Elchonon Wasserman (Kovetz Shiurim, Bava Basra #223) explains that while it is true that we would not put the defendant to death in a case of doubt, as a result of the verse, the court will refrain from executing him as a statutory process (תורת ודאי). This means that the official procedure of bais din is to treat a case of doubt as if we know definitely not to kill him.

The practical application of this definition is in a case of an ox which has habitually killed people (שור) (המועד). The law is that many of the aspects of the procedure of executing a person must be followed when putting this ox to death. This is based upon the rule (Bava Kamma 44b) "as the death of the owner, so too is the death of the ox." In a case of bona fide doubt, we cannot kill a man because this would entail the possible unjustified death of a person. However, a similar doubt regarding putting an ox to death would not include this risk, and the court would be able to proceed. The mitz-

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In loving memory of their father
ר' יחיאל מיכל בן ר' יהושע, ע"ה

HALACHAH Highlight

How late is one permitted to start his meal on Shabbos day?

רביעית מאכל כל אדם חמישית מאכל פועלים ששית מאכל תלמידי חכמים

The fourth hour is the meal time of the average person; the fifth hour is the time for the meal of laborers; the sixth hour is the meal time of talmidei chachamim.

Magen Avraham¹ raises a contradiction: the implication of this Gemara is that meal times are calculated according to halachic hours (i.e. Magen Avraham calculates the amount of time from **עלות השחר** (dawn) until **צאת הכוכבים** (nightfall) and divides it into twelve equal parts). This is evident from the fact that the Gemara derives from these meal times the hour of **ביעור חמץ** (elimination of chometz). However, the Gemara in Ta'anis² implies that meal times are reckoned from the time a person arises. To resolve this contradiction, Magen Avraham writes that meal times are worked out from the time of one's arising and our Gemara calculates from **עלות השחר** because that is when the majority of people arise.

Therefore, today when the majority of people do not awaken at dawn, one would calculate these times according to each person's wake-up time. Magen Avraham uses this reasoning to explain the custom of the late conclusion of davening on Shabbos and Yom Tov, which results in beginning the meal after the sixth hour from **עלות השחר** i.e. since people wake up later on Shabbos morning). There are those³ that disagree with the Magen Avraham and calculate meal times from the break of dawn. Even the poskim⁴ who agree with the Magen Avraham in principle disagree with

(Insight...Continued from page 1)

vah of executing this ox would override the element of doubt involved. This would be the situation without the verse. Now that we have a source in the Torah **ושפטו** (ועדה) from which we learn that we definitively deal with such situations leniently, we would not put the ox to death in a case of doubt. ■

his ruling and maintain that on Shabbos one should always begin eating before chatzos⁵ (noon).

Apart from the Magen Avraham, there are other reasons to be lenient regarding starting the meal after chatzos on Shabbos. There are those that permit it because they rely on the fact that one has already had a drink⁶ before davening. There are others⁷ that are lenient because the delay in eating is because the person is involved in learning or prayer. (Regarding the Yom Tov of Rosh Hashana⁸, however, there is no issur to fast until chatzos.) ■

1. המ"א בריש סימן קנ"ז
2. בגמ' תענית כ"ה ב'
3. בכה"ח שם ס"ק ב' כ"כ בשם המט"י
4. שהערוך השולחן בסימן קנ"ז ס"ב כתב כמ"א ואפ"ה בסימן רפ"ח ס"ב כתב שסעודת היום דשבת קודם חצות דוקא—ועי"ש הטעם
5. שהמ"ב בקנ"ז ס"ק ב' כמ"א (וכ"א בא"ר) ובסימן רפ"ח ס"ק ב' לגב' שבת משמע שתלוי בחצות. (וכ"ה בא"ר)
6. שהעה"ש רפ"ח א' הקיל בכה"ג וכן כה"ח קנ"ה סוס"ק כ"ג בקאיו עם סוכר או חלב כשאין לו פת. אמנם הפמ"ג בקו"ז ס"ק ג' הסתפק בשתיה
7. ומ"ב ברפ"ח ס"ק ב' הביא מחלוקת בזה
8. כ"כ הרמ"א בתקפ"ד ס"א ובמ"ב תקצ"ז ס"ק ב' ■

STORIES off the Daf

Time is precious

אדם טועה בשתי שעות

The value of time has been demonstrated by Gedolei Yisroel throughout the ages in a myriad of ways. Very recently, after a rare public appearance at a Siyum on Meseches Eiruvim held to promote the learning of halacha together with the Daf Yomi, the Gadol Ha-

dor, R' Elyashiv was overheard saying, "I gave away 125 minutes to strengthen the learning of halacha."

Just how precious every minute was by these Torah giants can be seen by the following episode. Long before the invention of alarm clocks, someone came to visit Rav Yaakov Emden, zt"l. While conversing with the Rav he heard a voice announcing, "The time is 12:00, 15 minutes have passed." Fifteen minutes later this repeated itself. When the same thing happened a third

time the fellow gathered his courage and asked the great sage the meaning of these announcements.

R' Emden told him that following the custom of his forefathers, he had hired the fellow to give him mussar. In response to his visitor's perplexed look, R' Emden then explained that the best mussar possible was to be constantly reminded of the value of time and how fast it passes. So saying, he ended his conversation and resumed learning. ■

