A RUBEN DAF YOMI CENTER PUBLICATION
DAF YOMI DIGEST
THE DAILY RESOURCE FOR THOUSANDS OF DAF YOMI LEARNERS WORLDWIDE
Shabbos, Jan 23 2021 ■ י׳ שבט תשפ״א
פסחים ס״ג
The Chicago Center
TORAH • CHESED • REFUAH

OVERVIEW of the Daf

1) Slaughtering the Pesach for circumcised and uncircumcised people (cont.)

Two suggestions are presented to explain the Baraisa that distinguishes between a case where the intent for the circumcised people came first and a case where the intent for the uncircumcised people came first. These are each rejected.

Abaye presents a third explanation for the Baraisa that is accepted.

2) MISHNAH: Three opinions are presented concerning the parameters of the prohibition against owning chometz when slaughtering the Korban Pesach.

3) Clarifying the Mishnah

Reish Lakish rules that the prohibition is violated when chometz is in the possession of the one who slaughters the korban, or the one who throws the blood or one of the members of the group.

Reish Lakish and R' Yochanan disagree whether the chometz has to be with the violator in the Beis HaMikdash.

The Gemara concludes that the basis of the dispute is whether the word על implies near. According to Reish Lakish, it does whereas according to R' Yochanan it does

(Continued on page 2)

REVIEW and Remember

1. Explain ישנה לשחיטה מתחילה ועד סוף.

2. According to Reish Lakish, who is included in the prohibition against slaughtering the Korban Pesach while in the possession of chometz?

3. How is the issue of התראת ספק relevant to the dispute between Reish Lakish and R' Yochanan?

4. Why is it necessary for Reish Lakish and R' Yochanan to dispute the meaning of על two times?

Today's Daf Digest is dedicated
Rabbi and Mrs. Shiya Wechsler
In loving memory of his mother
מרת פרומט בת ר׳ אהרן ע״ה

Distinctive INSIGHT

Liability for שחיטה while possessing chometz

אמר רבי שמעון בן לקיש לעולם אינו חייב עד שיהא החמץ לשוחט או לאחד מבני החבורה וכו׳

When the Korban Pesach is slaughtered and chometz is still present, a violation has transpired. The specific guidelines of this halachah can be categorized within three opinions.

Rashi explains that in any group which arranges to bring their Korban Pesach jointly, if one of them does the שחיטה while he is in possession of chometz, every member of the group is in violation of this לאו and is liable for מלקות.

Tosafos (ד״ה או לאחד) holds that only the person who slaughtered or sprinkled the blood of the korban is in violation of the לאו. The other members of the group, who did not actively do anything wrong, are not liable. In fact, Tosafos notes that R' Yochanan is of the opinion that lashes can not be administered for a non-action violation of a לאו (לאו שאין בו מעשה). Therefore, when our Gemara says that there is liability when chometz is owned by the שוחט or the זורק, it means that only he is חייב, but not the other ones associated with the group who are idle.

Rambam (Sefer HaMitzvos, לאו 115) holds that the Torah expects that no one of the group may own chometz at the moment of שחיטה or זריקה, and if he has chometz in his possession, he is in violation of the לאו. In one regard, Rambam holds like Rashi, that people in the group other than the one who actively does the שחיטה can be liable. However, Rambam holds that not everyone is חייב, as Rashi holds, but it is only the one who owns the chometz that is held liable.

Rabbi Akiva Eiger, zt"l, explains that according to Rashi and Rambam we can understand that מלקות are administered even for those who did not do the actual שחיטה or זריקה based upon the fact that they appointed this person to act on their behalf. Although we have a rule אין שליח לדבר עבירה, we would be dealing with a case where the שוחט was שוגג and was unaware that his friend had chometz in his possession. ■

Today's Daf Digest is dedicated
By Mr. and Mrs. Boruch Weinberg
In loving memory of their father
ר׳ משה דב בן ר׳ יעקב יצחק, ז״ל

HALACHAH Highlight

How binding is a promise to donate to tzedakah?

המתכוין לומר תרומה ואמר מעשר. מעשר ואמר תרומה וכו' לא אמר כלום. ומזה הוכיחה הגמ' שגם בהקדש כ"ה דבעינן פיו ולבו שוין.

One who intends to call something "terumah" and calls it "ma'aser" or vice versa...has not (halachically) done anything. From here we learn that even in laws of hekdesh one need his heart and mouth to be coordinated.

The Hagahos Ashri[1] makes a similar point. In regard to tzedakah, the Rema[2] rules that if one intends to give a specific coin to charity but he mistakenly takes out a different coin, he has not done anything [halachically binding]. The Gr"a[3] writes that the source for this Rema is the Mishnah in our sugya (where one intends for it to be terumah and accidentally says ma'aser and vice versa).

Based on this, the Shoel U'Meishiv[4] writes, that if someone promises to donate a clock to a shul, but the members of the shul deny his offer, even if the clock was already in the Gabbai's hands, the gift is null and void, and it technically does not need hataras nedarim. We understand that his original promise was made with the consideration that if the congregation will not be interested in it, he would take it back. However, it is still a good idea for him to do hataras nedarim. Similarly, we find a case in the Orchos Chaim[5] where someone consecrated an item to a shul and wanted to engrave his name on the object, but the congregation would not allow it. (See below for further details.) ■

(Overview...Continued from page 1)

not.

R' Oshaya asked R' Ami: If the one slaughtering does not own chometz but one of the members of the group has chometz is the prohibition violated?

R' Ami ruled that the prohibition is violated and explained the conditions necessary to violate the prohibition.

R' Pappa includes in the prohibition the kohen who burns the cheilev while in possession of chometz.

A Baraisa supports R' Pappa's assertion.

A contradictory Baraisa is presented. ■

1. ההגה"א במסכת ע"ז בפ"ק ברא"ש סימן י"ג
2. הרמ"א ביור"ד סימן רנ"ח ס"ב
3. בגר"א שם ס"ק ה'. ובט"ז ס"ק ב' מבואר שדברי הרמ"א הנ"ל כפשוטם, שבין המנה שרצה להקדיש ובין המנה שהקדיש בטעות, שניהם חולין. ולש"ך ס"ק ה' שם רק המנה שהקדיש בטעות אינו כלום, אבל מה שרצה להקדיש קדוש. וע"ש בערוך השולחן. ובגיליון מהרש"א שם ציין למגן אברהם באו"ח בקס"ב ס"ק ב', שמחשבה אינו מקדיש אא"כ קיבלו על עצמו במחשבה, משא"כ כשרק רצה לקבלו ע"ע אינו כלום, ומשמע דלא כש"ך, ומשנה ברורה שם בסימן תקס"ב ס"ק ל' סתם כמ"א
4. והשו"ם הובא בצדקה ומשפט פ"ד הערה כ"ה
5. האורחו"ח ג"כ הובא בצו"מ הנ"ל. וכן המקדיש לישיבה ובטלה הישיבה המעות חולין וחוזרין למקדישו. ואם חזר הגבאי והשיב הישיבה למקומה שייך המעות לישיבה, כ"כ הפת"ש ביור"ד רנ"ו ס"ק ב' והובא בדרך אמונה הלכות מתנות עניים פ"ח סס"ק ב'. אבל אין חיסרון לכתוב שמו על החפץ שנידב לפרסם שעשה המעשה הטוב שעשה, כמפורש ברמ"א ביור"ד סוף רמ"ט ובט"ז ונקה"כ שם. (ועע"ש בפת"ש) וכן עי' מ"ב סוף סימן קנ"ד. ואכמ"ל ■

STORIES Off the Daf

True freedom

השוחט את הפסח על החמץ עובר בלא תעשה

Rav Hirsch, zt"l, explains that while matzo represents dependence and submission, chometz symbolizes social and physical independence, or the ability to be sustained through self-will and human power. Social and physical autonomy is expressed in the ability to make independent decisions about the use of one's wealth and possessions, so chometz also represents a statement of defiance toward Hashem and failure to submit our money to His Will.

Our redemption is symbolized by the offering of the Korban Pesach. As its time approaches, we need to be reminded that we did not achieve freedom through our own efforts. Our deliverance depended on absolute surrender to Hashem's Will, and we contributed nothing towards it—and we see this from the lav that prohibits even a k'zayis of chometz from remaining in our domain when the korban is slaughtered. All money, power, influence and autonomy, must be surrendered to Hashem's Will so that we can earn the gift of true freedom!

Before Rav Yehoshua Tzemblist, zt"l, was appointed as a dayan in Minsk, he was a partner in a wine production and distribution business. Once, the firm prepared a large quantity of wine in anticipation of Pesach, and a Jew came and placed a large order for wine from that batch. After the negotiations were completed, the customer turned to Rav Yehoshua and asked, "This is the winery of Mr. Kasdan, isn't it?" Rav Yehoshua admitted that it was not. The man cancelled his order, walked out, and headed over to Kasdan's shop.

When Rav Tzemblist's partner heard the story, he was furious. "If you'll keep on wasting our opportunities, we'll never get this batch sold!" Rav Yehoshua reassured him, "You never lose from being honest. I'm sure that if it is Hashem's Will, every last drop will be sold." And so it was—not only did they sell everything, but the demand was so great that they could not even fill all the orders that poured in! ■

Daf Digest is published by the Chicago Center, under the leadership of HaRav Yehoshua Eichenstein, shlit"a
HaRav Pinchas Eichenstein, Nasi; HaRav Zalmen L. Eichenstein, Rosh Kollel; Rabbi Tzvi Bider, Executive Director, edited by Rabbi Ben-Zion Rand.
Daf Yomi Digest has been made possible through the generosity of Mr. & Mrs. Dennis Ruben.