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Pesachim Daf 52

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

1. A person who lives in Eretz Yisrael and travels temporarily outside of Eretz Yisrael cannot perform melachah if he is there on the second day of Yom Tov.

The Gemora discusses performing melachah on the second day of Yom Tov. Being that we know that the first day of Yom Tov is the proper day, and the second day is only a custom, one might think he does not have to keep this custom if he is anyway from Eretz Yisrael (and people who live in Eretz Yisrael never had this custom). Rabbi Ami stated that this is only correct if one is in a desert. If he is in a city outside of Eretz Yisrael he must refrain from performing melachah. Tosfos explains that this is even if he is in private (i.e. a closed room). This is because it is unlikely for someone to do melachah privately without other people knowing (see Insight).

2. There is an argument regarding when a mixture of shemitah vegetables must be destroyed.

Our Mishna (50b) discusses the law of fruits of shemitah that must be destroyed. This is because the Torah stated that they can only be eaten until they are no longer eaten by the animals in the field. This obviously depends on the crop in each area

(see 3. below). What happens if there is a pickled mixture of shemitah fruit? The Mishna in Shevi’is (9:5) quotes Rabbi Eliezer as saying that whenever one of the fruits must be destroyed, the entire mixture must be destroyed. Rabbi Yehoshua says that the mixture can be maintained until the latest “expiration date” of whatever is in the mixture. Rabban Gamliel says that each type of fruit should be eaten until its own expiration date. When it must be burned then it must be burned, but it does not effect the rest of the fruit in the barrel.

3. There are three sections of Eretz Yisrael which each have a different time when the shemitah fruit must be burned.

The Mishna in Shevi’is (9:2) records that there are three different sections of lands which each have a different time for burning shemitah produce. This means that each land looks at which crops are being eaten in its section of Eretz Yisrael, not at the entirety of Eretz Yisrael, to decide whether or not to burn its shemitah crops. [Each one of these three sections have three different parts as well (see Tosfos DH “ad she’Yichleh” to understand why this is significant).]



4. Rav Huna (son of Rav Ika) was known to be highly accurate when recording teachings from a Rabbi.

The Gemora quotes an argument between Rav Huna and Rav Kahana regarding a ruling of Rabbi Avahu. Rav Kahana stated that Rabbi Avahu recorded the law is like Rabbi Shimon ben Elazar (in a certain instance), while Rav Huna stated that Rabbi Avahu had said that the law is unlike of Rabbi Shimon ben Elazar. Rav Safra advised that Rav Huna be trusted, as he was meticulous in recording teachings from his Rabbi, just as Rachavah was known to be meticulous when recording teachings, for Rachavah said in the name of Rav Yehudah: The *Har Habayis*, the Temple Mount, was built as a double row of benches, one row inside the other.

5. The Gemora records an argument between Rabbi Yosi and the Rabbanan regarding when a grape is ruled to be a fruit (that is forbidden as "Orla" – "fruits of the first three years of a tree").

The Mishna in Orla (1:7) records that Rabbi Yosi forbids a grape as orlah once it has already started to take the form of a grape. The Rabbanan argue that this is too early a phase for it to be called a fruit, and it is therefore not forbidden as "fruit" of the first three years.

INSIGHTS TO THE DAF

Based on the Gemora above in point 1., a person from Eretz Yisrael is not allowed to perform

melachah that is normally forbidden on Yom Tov if he is outside of Eretz Yisrael on a second day of Yom Tov. This is because, as Tosfos states, people will realize that he is doing melachah even if he is in private, because people generally find out about someone who is doing melachah. Although one might claim that he can easily do a melachah such as cutting his nails without anyone finding out about it if he does so in a close locked room, almost all commentators do not differentiate between various types of melachah. This is also the ruling of the Mishna Berura (468:17). The Mishna Berura (496:11) mentions that there is an argument regarding the definition of a settlement vs. a desert. Some opinions say that the term "settlement" applies in any settled area outside of Eretz Yisrael. However, some are lenient that a "settlement" is only a place where there are Jews settled there. According to the lenient opinion, if someone is stuck where there is no Jewish community, he may be perform melachah.

An interesting question comes up regarding chametz. Can a person from Eretz Yisrael consume chametz on the last day of Pesach for people from outside of Eretz Yisrael (assuming he could get the chametz without performing melachah)? The Aruch Hashulchan (496:5) and Halichos Shlomo (Yemei Ha'Pesach #19) say that he cannot, although for different reasons.

