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Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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

[Abaye had explained that according to Rabbi Meir, one errs slightly, whereas Rabbi Yehudah maintains that one errs an hour and a little bit.] Rav Huna the son of Rav Yehudah went and reported this discussion before Rava. Said he: now what if we carefully examined these witnesses [and found] that the one who testified [that it took place] in the third [hour] meant at the beginning of the third hour, while he who testified [that it took place] in the fifth [meant] at the end of the fifth, so that it would be a confuted testimony and we would not execute [the accused]; shall we then arise and execute him through a doubt, whereas the Merciful One has ordered, then the congregation shall judge . . . and the congregation shall deliver?¹ Rather, Rava says that according to Rabbi Meir, a person errs slightly less than two hours, whereas Rabbi Yehudah maintains that a person errs slightly less than three hours. According to Rabbi Meir that a person errs slightly less than two hours, then, even if the incident that the witnesses are testifying about occurred either at the onset of the second hour or at the end of the third hour, their testimony will be valid, because they have erred by less than two hours, which Rabbi Meir maintains is a justified amount of time that one can err in his calculations. According to Rabbi Yehudah who maintains that a person errs slightly less than three hours, then even if the incident occurred at the onset of the third hour or at the end of the fourth hour, their testimony will be valid, because they will have erred in a time of slightly less than

three hours, which according to Rabbi Yehudah is a justifiable miscalculation in time. (12a)

The Gemora cites a Mishnah: When examining the witnesses regarding their testimony in a capital case, they would ask the following seven questions: In which year of the seven year *shemittah* cycle did you witness the offense? The second question was in which year did the offense occur. The third question was on which date of the month did the offense occur. The fourth question was on which date of the month did the offense occur. The fifth question was on which day of the week did the offense occur. The sixth question was in which hour did the offense occur. The seventh question was in which place did the offense occur. And then the Mishnah taught: *Chakiros* are the seven standard questions that were posed to the witnesses, and *bedikos* were the supplementary questions that were posed to the witnesses. Regarding the *chakiros*, if one of the witnesses did not know the answer to one of the seven questions, the testimony would be invalid. Regarding the *bedikos*, however, even if both witnesses say that they do not know the answer to the question, the testimony is still valid. And we asked: what is the difference between *chakiros* and *bedikos*? And we said: The reason is that if one of the witnesses does not know an answer to one of the *chakiros*, the testimony is invalid, because then the testimony cannot be negated through *hazamah*.² With regard to

¹ The accused must be given the benefit of doubt.

² *Hazamah* means that the second pair of witnesses testifies that at the time that the first set of witnesses' claims that the incident occurred, the first pair of witnesses was actually

somewhere else and they could not have possibly witnessed the incident. All the questions that were posed to the witnesses as part of the *chakiros* were questions that if a witness could not answer, his testimony was invalid, because his testimony can no

bedikos, however, even if a witness cannot answer satisfactorily one of the questions, the testimony can still be negated by a second pair of witnesses.³ Now if you say that a man may err in so much, then the *chakiros* of which hour also [leaves] testimony which cannot be rebutted, for they can assert, 'We did indeed err'? —According to Rabbi Meir (who maintains that one can err by two hours), we give the witnesses testifying regarding the incident from the onset of the first hour until the end of the fifth hour.⁴ We really would give the witnesses who said that the incident occurred in the second hour another hour, which would be two hours before the onset of the second hour, but this would lead to an hour before the onset of the day, and people do not err between day and night.⁵ While according to Rabbi Yehudah we allow them from the beginning of the first hour until the end of the sixth; and logically we should give them more at the beginning, but that people do not err between day and night; and logically we should give them more at the end, but that in the fifth hour the sun is in the east while in the seventh the sun is in the west.

We learned in our Mishnah that Rabbi Meir maintains that one can eat chametz during the fifth hour and one must

longer be negated through *hazamah*. For example, if a witness cannot answer correctly which hour the incident occurred, then it is impossible for the second pair of witnesses to prove that his testimony is false by stating that he was elsewhere at the time the incident occurred.

³ For example, if the witness could not answer whether the accused was wearing black or white clothes at the time of the incident, this detail has no ramifications regarding the time and place of the incident.

⁴ When the first witness says that the incident occurred in the second hour, it is possible that he erred by two hours. Therefore we give him the first and second hours, and the third and fourth hours. For example, if he miscalculated two hours early, the incident may have occurred at the end of the fourth hour. It is also possible that the witness miscalculated by two hours later. The second pair of witnesses who are trying to refute the testimony of the first pair of witnesses must therefore testify that he was with them from the onset of the first hour until the end of the fourth hour. Similarly, the other witness who said that

burn the chametz at the onset of the sixth hour. Rabbi Yehudah maintains that one can eat chametz the entire fourth hour, chametz is suspended in the fifth hour, and one must burn the chametz at the onset of the sixth hour. According to Abaye who maintains that Rabbi Meir is of the opinion that one does not err at all in calculating time, then one should be permitted to eat chametz until the end of the sixth hour?⁶ And even according to the version which states that one errs slightly in calculating time, he should be permitted to eat chametz until the end of the sixth hour, right before midday. And according to Abaye in the opinion of Rabbi Yehudah who maintains that one errs by a half an hour, one should be permitted to eat chametz until the middle of the sixth hour?⁷ And even according to the version which states that one errs by an hour and a half and a bit, one should be permitted to eat chametz until the end of the fifth hour? Rather, Abaye said that testimony is given over to those who are diligent, whereas chametz is given over to everybody.⁸ (12a - 12b)

The Gemora asks: According to Rava in the opinion of Rabbi Meir who maintains that one errs slightly less than two hours, one should not be permitted to eat chametz from the onset of the fifth hour? The Gemara answers that

the incident occurred during the third hour is given two hours in both directions. The second pair of witnesses must testify that he was with them from the onset of the first hour (which is two hours prior to the onset of the third hour) until the end of the fifth hour (which is two hours after the end of the third hour) in order to negate his testimony by way of *hazamah*. In this fashion the testimony regarding the hour can be refuted through *hazamah*.

⁵ The witness thus has his testimony negated regarding his location from the first hour through the fourth hour.

⁶ Which is the biblical law regarding when chametz can be eaten.

⁷ Which is a half an hour before chametz is biblically prohibited.

⁸ This means that only one who is expert in keeping time will come to testify regarding a capital case as he is aware that the court will interrogate him. Regarding chametz, however, although everyone must stop eating chametz at the end of the sixth hour, not everyone is an expert at determining the correct time.

in the fifth hour the sun is in the east and in the seventh hour the sun is in the west.⁹ Based on this reasoning, one should be allowed to eat chametz even in the sixth hour?¹⁰ Rav Adda bar Ahavah answers: In the sixth hour the sun is in the middle of the sky.¹¹

The Gemora asks: And Rava who maintains that according to Rabbi Yehudah, one will err in his calculations slightly less than three hours, so one should not be allowed to eat chametz from the onset of the fourth hour? The Gemara answers that in the fifth hour the sun is the east and in the seventh hour the sun is in the west, and certainly in the fourth hour when the sun is even farther to the east there is no room for confusion. But accordingly, one should be allowed to eat chametz even in the fifth hour? Abaye explained it according to Rava: Testimony is given over to diligent people, whereas the prohibition of chametz is given over to everyone.¹² Alternatively, that¹³ is not the reasoning of Rabbi Yehudah, but rather, Rabbi Yehudah follows his reasoning, as Rabbi Yehudah maintains that one can only eliminate chametz by burning it. The Chachamim therefore did not allow one to eat chametz during the fifth hour, because then the person would not have time to collect wood for the fire. Ravina said to Rava:¹⁴ Rabbi Yehudah said: when is it that chametz must

⁹ Chametz is only prohibited at the onset of the seventh hour when the sun is in the western half of the sky, so we are not concerned that a person will confuse that time with the fifth hour.

¹⁰ as the sun is not yet in the east at that time, and one will not confuse the sixth hour with the seventh hour.

¹¹ One cannot determine whether the sun is in the eastern half of the sky or the western half of the sky, if chametz were permitted during the sixth hour, one would confuse the end of the sixth hour with the onset of the seventh hour.

¹² Even though Rabbi Yehudah maintains that witnesses do not err between the fifth and seventh hours, there is a concern that the populace will err in this manner. No one, however, will confuse the seventh hour for the fourth hour because the sun's location will prevent such an error.

¹³ The errors in timekeeping.

be eliminated only through burning? Not at the time of its removal [but beforehand]. When it comes time to eliminate the chametz, however,¹⁵ one can destroy chametz in any fashion.¹⁶ Rava therefore answers that the Chachamim prohibited one from eating chametz during the fifth hour as a decree on account of a cloudy day.¹⁷ If so, one should not be allowed to eat chametz during the fourth hour? Rav Pappa said: The fourth hour is a mealtime for everyone and everyone knows the time of the fourth hour in the day. (12b)

The Rabbis taught in a Baraisa: The first hour in the day is mealtime of the *Ludim*.¹⁸ The second hour is when bandits eat their meal.¹⁹ The third hour of the day is when those who inherited a lot of money eat their meal.²⁰ The fourth hour of the day is when workers eat their meal. The fifth hour of the day is when Torah scholars eat their meal. The sixth hour of the day is when all other people eat their meal.

The Gemora asks: But Rav Pappa said: The fourth hour of the day is when all other people eat their meal?

Rather, it should be reversed: The fourth hour is when all other people eat their meal, the fifth hour is when workers

¹⁴ Ravina challenged the answer that Rabbi Yehudah follows his reasoning that one is required to eliminate the chametz by burning it, and this is the reason why the Chachamim prohibited one to eat chametz during the fifth hour.

¹⁵ Which is the seventh hour and chametz is then biblically prohibited.

¹⁶ Then why keep it in suspense? If he forgets to collect fuel he can destroy it in another way.

¹⁷ When it is cloudy, one cannot see the sun and he cannot tell the time by looking at the sun's location in the sky.

¹⁸ They were a cannibalistic tribe, and they were gluttonous so they ate their main meal at the first opportunity.

¹⁹ Because they are awake all night and they sleep during the first hour of the day. They are also gluttonous so they eat their meal at the first opportunity.

²⁰ Since they are not concerned about earning a livelihood, they can eat earlier in the day than everyone else.

eat their meal, and the sixth hour is when Torah scholars eat their meal. After the sixth hour, if one eats it is like throwing a stone into a bag.²¹

Abaye said: This was only said regarding one who did not eat anything in the morning, but if one ate something in the morning, then it is acceptable to start the meal after the sixth hour. (12b)

Rav Ashi said: As there is a dispute in respect of testimony, so is there a dispute in respect of chametz.²² But it is obvious? That is precisely what we have said! This is what he informs us: the answers which we gave are [correct] answers, and you need not say that it is dependent on Tannaim.²³ (12b)

Rav Shimi bar Ashi said: They learned this²⁴ only in respect of hours; but if one testified [that the crime was committed] before sunrise and the others testified, after sunrise, their testimony is void. - That is obvious? — Rather [say] if one testified [that it was] during sunrise, their testimony is void. - That too is obvious? You might say: Both testified to the same thing, while he who said [that it was] during sunrise was standing in the glow [before sunrise] and what he saw was merely the glare; hence he informs us [that it is not so]. (12b – 13a)

DAILY MASHAL

A Torah Scholar's meal

The Gemara states that a Torah scholar eats his meal at the sixth hour of the day. The reason a Torah scholar eats

his meal so late in the day is because he is engaged in Torah study, so he should wait until the last possible time to eat. The Mesilas Yesharim quotes a Medrash²⁵ that states: before one prays that Torah should enter his mind, he should pray that food does not enter his body. It is interesting that we pray in the morning and then we immediately eat breakfast, because according to our Gemara and the Medrash, one should study Torah immediacy after praying, because his prayers should be focused on achieving diligence in Torah study, not on consumption of food.

²¹ Although it appears that eating then is beneficial, there is really no benefit to eating then.

²² Just as Rabbi Meir and Rabbi Yehudah differ in the possible errors of time in respect to evidence, so in respect of the prohibition of chametz.

²³ For though the views of Rabbi Meir and Rabbi Yehudah are apparently self-contradictory, they have been reconciled. Rav

Ashi informs us that it is unnecessary to assume that they actually represent irreconcilable opinions, there being a dispute of Tannaim as to the views of Rabbi Meir and Rabbi Yehudah.

²⁴ That a margin of error, perhaps up to nearly three hours, is allowed in testimony.

²⁵ Also quoted in Tosfos to Kesubos 104a s.v. lo neheneisi