

לעילוי נשמת
הר"ר חשה הגר ז"ל
ב"ר יוסף דוד ז"ל
ת.נ.צ.ב.ה.
Dedicated by our friends
DAVID & JUDY HAGER

מאורות הדף היומי
Meorot HaDaf Ha Yomi
A Weekly Letter for Learners of the Daf Ha Yomi

לעילוי נשמת
הר"ר יוסף וולף ז"ל
ב"ר ברוך מנדל הי"ד
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י"ל ע"י ביהמ"ד למגיד שיעור "דף היומי" בראשות הגר"ד קובלסקי שליט"א וע"י קרן ברכה וחסי זיסר

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מסכת פסחים ה'-י"א

בס"ד, כ"ב טבת תשס"ו

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דף ג/ב ההוא ארמאה דהוה סליק ואכיל פסחים

A Gentile who Eats from a Korban Pesach

Towards the beginning of Maseches Pesachim, we find the story of a gentile who posed as a Jew in order to eat from the Korban Pesach. R' Yehuda ben Besaira then tricked him into exposing his identity, and he was executed for his crimes.

The Minchas Chinuch (14) asks why he deserved so harsh a punishment. Although the Seven Noahide Laws are punishable by death, where do we find that eating from a Korban Pesach is among them? According to the Smag, the possuk, "No sojourner or [gentile] hired laborer may not eat from it" (Shemos 12:45), is a commandment directed towards gentiles, not to eat from a Korban Pesach. As such, it must be included among the Noahide laws, which are punishable by death.

The Rambam and Chinuch, however, interpret this possuk as a commandment to Jews not to share their Korban Pesach with gentiles. According to these opinions, the Minchas Chinuch offers a different explanation. A gentile who eats from the Korban Pesach transgresses the prohibition against theft. When a sacrifice is offered to Hashem, it becomes "Divine property," so to speak. Hashem then permits us to eat from His korbanos, depending upon the circumstances. Since a gentile may not eat from the Korban Pesach, it is considered as if he had stolen it from Hashem.

R' Elchanan Wasserman (Kovetz Shiurim I, Pesachim:6) suggests a similar explanation. The gentile of this story stole from the other members of the group who had acquired this korban together. They included him in their group and agreed to share with him their korban, based on the false impression that he was a Jew. Since he tricked them into sharing their korban, it was as if he stole from them his portion (see Chiddushei R' Shmuel, Pesachim 3b).

R' Yehuda Assad (Yehuda Ya'aleh, O.C. 55:6) cites Rashi (s.v. *R' Yehuda ben Beseira*), who says explicitly that the gentile in our story paid for his portion in the korban, and therefore could not be considered a thief. Rather, he explains based on the Gemara in Maseches Chullin (33a) where we find that a Jew may eat the intestines of an animal, but a gentile who does so transgresses the prohibition against eating the flesh of a living animal (this distinction is based on a complex nuance of *hilchos shechita*, which is beyond the scope of this article. See Meoros Daf HaYomi journal #248). The Torah tells us that the Korban Pesach must be roasted together with its intestines (Shemos 12:9). Although the gentile in our story ate other parts of the korban, the taste of the forbidden intestines spread to the entire animal when it was roasted. The gentile was executed for eating meat that absorbed the taste of the intestines.

The Orders of King Herod: The Me'il Shmuel offers another explanation, with interesting historical relevance. Josephus Flavius, the Jewish historian who chronicled the story of the Jewish people during the Second Temple Period, wrote that King Herod ordered instructions to be carved on a giant stone, forbidding entrance to gentiles on the Temple Mount. This account was verified about 130 years ago, when builders digging in the area around the Temple Mount found this very stone, with the following words carved in ancient Greek: "From here on no foreign man shall let his foot pass. He who disobeys this commandment shall bear his iniquity, and his blood shall be upon his own head" (Avnei Zicharon, 728). Therefore, we may explain that the gentile in our story was killed for ascending the Temple Mount.

Although the Mishna (Keilim 1:8) states that a gentile may not pass the area of the Temple Mount known as the *chail*, we do not find that this prohibition is punishable by

דבר העורך Emerging Markets

The rabbonim and the staff of Meoros Daf Yomi invest prodigious efforts into cultivating the dozens of Daf Yomi shiurim under our auspices. Many of these shiurim are held in areas where no other regular Torah shiurim are available. As every businessman knows, marketing and distribution in remote areas is no simple matter. However, it is specifically in these uncultivated areas where the greatest profits can be reaped.

The same is true (*lehavdil*) with the business of Torah. Distributing Daf Yomi to the "emerging markets" of Klal Yisrael, where Torah is sadly underdeveloped, is a difficult, but lucrative venture. Our profits are not in dollars or shekels but in sharing the *geshmak* (sweetness) of Torah with Jews who might otherwise have been unaware of the richness and depth of the Gemara.

Recently, we received the following two stories, which gave us great encouragement to redouble our efforts. The first story was sent to us by R' Amitai Gadasi who delivers a Daf Yomi shiur founded by Meoros, to a group of twenty-five people in a shul in Rechovot. Since the shiur was founded slightly after the beginning of the new Daf Yomi cycle, they concluded Maseches Shabbos only recently during this past Chanuka, while the rest of us drew close to our siyum of Eiruv. The members of the shiur were unsure how to proceed. Since Eiruv is such a difficult masechta, it is unlikely that they would be able to catch up soon. Should they continue on with Eiruv, and remain lagging behind for the entire cycle of Shas? On the other hand, if they skip ahead to Pesachim to keep up with the rest of the Daf Yomi shiurim, they would be lacking Maseches Eiruv in their siyum – something that none of them wanted to do. R' Gadasi hesitated to suggest that perhaps they should make two shiurim. In addition to their regular morning shiur in Daf Yomi, they would meet again after Maariv to learn Maseches Eiruv. At first he thought that such a plan would be too

ג' ה'

נשמת אדם

IN MEMORY OF

מרת מאלא וואסנר ע"ה ב"ר יהודה לייב ז"ל

נלב"ע כ"ט טבת תשס"ד ת.נ.צ.ב.ה.

הונצחה ע"י חתנה ובתה משפחת הגר שיחי - פלטבוש ניו יורק

taxing on his students' time and energy, but to his great delight they enthusiastically agreed. Today, two "daf" shiurim are held. One between 9:00 – 10:00 AM in the Anaf Yosef shul in Rechovot, and the second after Maariv in the Shivzi shul.



The second story was sent to us from the Neve Shaanan neighborhood of Haifa, by R' Chaim Garetz, who delivers a Daf Yomi shiur in the Kalibnoff shul. The shiur meets regularly each day, and the Friday shiur is held on Shabbos night, after the seuda. On one Thursday night, the members of the shiur discussed the predictions of rain on Shabbos. Since R' Garetz lived a half hour walk from shul, they suggested that they may be forced to cancel the shiur for Shabbos night. In the end, they decided that if between 8:00 and 8:30 on Shabbos night it would not rain, they would all come to shul to learn.

Shabbos night came, and at 8:15 it was still raining heavily. R' Garetz pulled on his coat, boots and gloves and bid his family "Gut Shabbos." "Didn't you agree that if it was raining now, you wouldn't come?" his wife asked him. "No one else will know that you're there. No one will know to come!" "It doesn't matter," he said. "This is our fixed time for Torah study, and I'm going no matter what." After a half hour march through torrential rains, he finally arrived at shul to find all fifteen members of the shul with their Gemaros open, ready to learn! It was a cold night for R' Garetz, indeed, but the members of his shiur warmed his heart, as this story does ours.

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Dear Readers,

*Meoros Daf HaYomi is interested in hearing your comments, criticisms and suggestions, in order to improve the quality of our newsletter. Please contact us at:*

[daniel@meorot.co.il](mailto:daniel@meorot.co.il)

Sincerely,

The Meoros Staff

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death. It is therefore questionable whether the gentile in our story was executed for violating Torah law, or for violating the command of the king. (This interpretation is further questionable, since we do not find in our story that the gentile did actually ascend the Temple Mount. The Korban Pesach may be eaten anywhere within the walled city of Yerushalayim, and therefore there is no proof that he ever entered the Temple Mount. Nonetheless, the Netziv also understood in our sugya, that the gentile was killed for entering the Beis HaMikdash).

דף ו/א יחד לו בית

An Insurance Agency that Covers Chametz

In our Gemara we find that a Jew may keep the chametz of a gentile in his possession over Pesach. However, if he accepts responsibility for the gentile's chametz he may not. From here it would seem that accepting responsibility for chametz is akin to owning it.

This raises a very pertinent halachic issue, in regard to Jewish-owned insurance agencies. In *Eretz Yisrael*, many food-companies are owned by Jews, and must sell their chametz factories and warehouses to gentiles for Pesach. However, the question remains that the factories are insured by Jewish agencies. Need these agencies suspend their coverage for the duration of Pesach? Otherwise, perhaps it would be considered like gentile-owned chametz, over which a Jew accepted responsibility.

After further investigation of our sugya, we find that this is not so. The prohibition against taking responsibility for a gentile's chametz applies only when one holds the chametz in his property. If one takes responsibility for a gentile's chametz while it remains on the gentile's property, he transgresses no prohibition.

However, the Rema (O.C. 440:1) rules that if a Jew takes responsibility for a gentile's chametz, and then passes on that chametz to another gentile to watch, the Jew still transgresses the prohibition against "possessing" chametz. Therefore, the problem again surfaces, that an insurance agency may not take responsibility for chametz, even if it is in the hands of a gentile. According to the Magen Avraham's interpretation of the Rema, we again find that there is no prohibition against insuring a gentile's chametz. The Magen Avraham (ibid, s.k. 1) explains that in the Rema's case, the Jew was responsible for the gentile's chametz, and gave it to a second gentile to guard on his behalf. Although in practice it is the second gentile who guards the chametz, the Jew is ultimately responsible for it. As long as the chametz is under the care of the gentile guardian, it is considered to be in the Jewish employer's domain. However, when the Jew places the chametz under the care of its original owner, he does not transgress the prohibition against keeping chametz. Here too, an insurance agency leaves the chametz under the care of its owner, and therefore transgresses no prohibition.

The Chok Yaakov (ibid, s.k. 6) argues with the Magen Avraham. He explains the Rema to mean that even if the Jew takes the chametz under his care, and then returns it to the owner (while still retaining responsibility), he still violates the prohibition against possessing chametz. However, the Chok Yaakov admits that if the Jew originally agreed to watch the chametz on the gentile's property, there is no prohibition. Here too, the insurance company does not take the chametz into their own hands. The chametz remains in the gentile's property, and the insurance agency simply agree that if harm should befall the chametz, they will pay for it. Therefore, even the Chok Yaakov would permit this.

In conclusion, according to all opinions, since the insurance agency never had the chametz under their hand, they may insure the chametz over Pesach.

דף ז/א והלכתא על ביעור חמץ

Two Formats for Berachos over Mitzvos

General Ashkenazi custom is to recite two berachos over tefillin. When wrapping tefillin around our arms, we say, "Blessed are You, Hashem... Who has sanctified us with His commandments, and commanded us to put on tefillin." When placing tefillin upon our heads, we say, "... and commanded us **regarding** the mitzva of tefillin." These two variations, **ל** and **על**, both find their source in our sugya, where the Amoraim debate which is the more appropriate wording for the beracha over bedikas chametz, **ל** - to destroy chametz," or **על** ביעור חמץ" - regarding the destruction of chametz."

For the most part, the berachos for mitzvos are recited before the performance of the mitzva. Therefore, the wording of the beracha should be in the future tense, implying that one is about to perform the mitzva, not that he had already performed it. The Gemara implies that according to all

פנינים

בדיקת חמץ

Checking for Chametz in our Hearts

On the night before Pesach, it is customary for the woman of the house to hide ten pieces of *chametz* for her husband to find. Rebbe Yosef of Neistadt explains that *chametz* is caused by the rising of the dough and is therefore symbolic of arrogance and conceit. A man who has these character flaws needs his wife to point out the issues in his life that need correction. She understands him, with all his strengths and weaknesses. Therefore she can point out to him the '*chametz*' within, thus helping him to realise how much he still has to grow thus annulling his delusions of perfection, the source of his arrogance (Divrei Bina, Moadim p. 114).



מאורות ההלכה

opinions, *לבער חמץ* implies a future act, and is therefore appropriate. The debate concerns the other wording, *על ביעור חמץ* which may either imply past tense, which is inappropriate, or future tense, which is appropriate. The Gemara concludes that *על ביעור חמץ* is appropriate. According to many Rishonim (see Rashi, Tosefos, et. al.) the Gemara means to say that *על ביעור חמץ* is also appropriate, but needless to say *לבער חמץ* is just as good.

The wording for berachos: Tosefos adds that there are reasons behind all the subtle differences of wording between the berachos, but R' Yitzchak (author of Tosefos) was unable to discover all the reasons.

R' Chaim Kaniefski authored a treatise entitled *Nachal Eitan*, in which he gathered the variant wordings for berachos found throughout Shas and the earlier commentaries. There, he cites berachos to be recited over washing *mayim acharonim*, or standing up to honor an elderly person. (The prevalent custom today is not to recite berachos over these mitzvos).

He also collected the opinions of ten Rishonim, in regard to the general rules by which the wording for each beracha is determined. For example, why does the beracha for washing hands use the format of *על*, "...and commanded us regarding washing hands;" but the beracha for sitting in a sukkah uses format of *ל*, "... and commanded us to sit in the sukkah?" After citing each Rishon's opinion, he finds in each case exceptions that do not match their understanding of the rule.

However one wishes: The Tosefos Rid (Sefer Machria 61; Shiltei Giborim here, citing Riaz) writes that in most cases, *ל* and *על* are equally appropriate. Therefore, one may decide for himself and recite the beracha however he wishes. The exception to this rule is as we find in our sugya, that when a person is sent to perform a mitzva on another's behalf, he must use the wording *על*. This is because *ל* implies a direct commandment of this particular act of the mitzva. *על* implies a more general instruction, that we were commanded in regard to this mitzva in general. If a person separates *terumos* and *maasros* from another's produce, he may not recite *ל* since he was not commanded to separate them. The produce-owner was commanded to do so, and passed on that responsibility to him. However, he may recite *על* since the Jewish nation as a whole was commanded to separate *terumos* and *maasros*.

Other Rishonim provide more definite guidelines as to when to recite *על* and when to recite *ל*.

Direct vs. General Commands: The Rambam (Hilchos Berachos 11:11-15), presents three different qualifications as to when *ל* is recited. Firstly, the mitzva must be obligatory, such as making a fence around one's roof, which one must do. If a person slaughters an animal, he recites *על השחיטה* since he had the option not to *shecht* and not to eat meat at all. Secondly, the mitzva must be performed for oneself, and not on another's behalf. If one makes a fence around his neighbor's roof, he recites *על עשית מעקה*. In both of these cases, *על* is more appropriate since one was not directly commanded to perform the mitzva.

Thirdly, *ל* is only used when the beracha is performed before the mitzva. If a person picks up a lulav and wishes to shake it, he must recite *על נטילת לולב*, since he has already fulfilled the obligation of lulav just by picking it up. If one were to recite the beracha before picking up the lulav, he would recite *ליטול לולב*. Since *ל* implies the fulfillment of a direct command, it is appropriate only when one is about to fulfill the mitzva. After the mitzva has been fulfilled, it is more appropriate to recite the more general wording of *על*, since this particular instance of the mitzva is no longer incumbent upon him. (This is the Rambam's opinion, but the accepted halacha is that once one has lifted up the lulav and esrog and fulfilled the mitzva, the beracha can no longer be recited).

As opposed to the other Rishonim, the Rambam does not divide the different mitzvos, attaching to some the wording of *ל* and to others the wording of *על*. Rather, both *ל* and *על* are both appropriate, depending upon the circumstances.

One mitzva for both tefillin: According to the Rambam's understanding, one might ask why the wording for the beracha over head-tefillin begins with *על*. Tefillin seem to fulfill all three of the Rambam's conditions: one is obligated to wear them, he wears them for himself, and he recites the beracha before wearing them. The Kesef Mishna explains that according to the Rambam, head tefillin and arm tefillin are not two separate mitzvos, but two different aspects of the same mitzva. After the arm tefillin has been put on, one has already begun the mitzva of tefillin. Therefore, when putting on the head tefillin, *על* is recited. In conclusion, it is interesting to note the Rambam's explanation of the beracha *על ביעור חמץ*. Here too, bedikas chametz seems to fulfill all three of the Rambam's conditions, and *ל* should be more appropriate than *על*. The Rambam explains that as soon as one has decided to search out and destroy his

Open areas:

1. If one is unsure whether chametz was ever brought to a certain place where birds and animals frequent, he need not check there for chametz. Perhaps there was never chametz to begin with, and even if there was chametz perhaps the animals ate it. However, if one knows for certain that there was chametz to begin with, he cannot assume that the animals ate it, since the general rule is that a questionable solution (that the animals may have eaten it) cannot resolve a definite problem (that chametz was there). This halacha may apply to yards or rooftops, depending on the circumstances.
2. Some opinions interpret this to mean that if one knows that there was chametz within the last thirty days, he may not assume that the animals ate it. If there was chametz earlier than thirty days before Pesach, he may then assume that the animals ate it. Other opinions are more lenient, and hold that if one knows that there was chametz on the night of the 14th, he may not rely on the animals to eat it. If he only knows that there was chametz before the night of the 14th, he may assume that the animals have eaten it. The Mishna Berura (433 s.k. 27) cites both opinions, but does not decide between them.
3. It is common for people to send their children out into the yard or porch to eat their chametz on the day preceding Pesach. Since one knows that they brought out chametz, he must check these areas, and not rely on the animals to eat their leftovers.

When should bedika be performed?

1. Bedikas chametz must be performed on the night of the 14th of Nissan. There are two reasons why bedikas chametz is performed at night. Firstly, one must search in all the narrow holes and cracks of his home by candlelight. Since candlelight is most effective at night, our Sages decreed that one must search specifically at night. Secondly, most people are occupied with their various concerns during the course of the day, and might forget to check for chametz. Therefore, our Sages decreed that we must check at night, when people are usually home.
2. *Le'chatchilah*, one must wait until the night of the 14th to check. If he performed bedikas chametz on the day of the 13th, he must check again at night, but without a beracha (since some Poskim hold that one fulfills his obligation *bedieved* by day).
3. If one did not check on the night of the 14th, he must check (with a beracha) on the day of the 14th, as soon as he remembers. He may not eat or engage in any activity on the day of the 14th until he has checked. If one did not check during the day either, he must check during Pesach (with a beracha). It is questionable whether one should check on Yom Tov itself, or rather during Chol HaMoed (see Mishna Berura 435 s.k. 3).
4. If one did not check during Pesach, he must check after Pesach, in order that he not accidentally come to eat chametz that was kept in his possession during Pesach. In this case, he should not recite a beracha on the bedika.
5. When checking for chametz, one must search in all the holes and crevices of his home by candlelight, even when checking during the day. (In open areas where direct sunlight reaches, one need not use a candle when searching by day).

**Davening Maariv before Bedika:**

1. At the beginning of the night of the 14th, immediately after *tzais hakochavim*, one should begin checking for chametz. Bedikas chametz should not be pushed off for later in the night, since one may forget to perform it. However, if one is accustomed to davening Maariv with a minyan at *tzais hakochavim*, he should daven before checking, since it would be difficult to gather the minyan after bedika. Although one should not study Torah before bedikas chametz, since he may become absorbed in his studies and forget to check, this is unlikely to occur with Maariv.

2. One who is accustomed to davening alone in his house should check for chametz first and then daven. Since he usually davens alone, he probably will not forget to daven later. (If possible, it is best to appoint someone else to begin checking immediately, while he davens. He will thus be able to perform both mitzvos in their appropriate time). However, if he is accustomed to davening with a minyan, and for some reason on the night of the 14th he is forced to daven alone, he should daven before he checks, in order that he not forget to daven later.

3. Some Poskim hold that in any case it is preferable to daven Maariv before checking, based on the principle of *tadir ve'aino tadir*: frequently performed mitzvos should be performed before infrequent ones. Both opinions are acceptable.

Performing other activities before Bedika:

1. From half an hour before *tzais hakochavim* (which is to say, half an hour before the time for bedikas chametz) it is forbidden to begin any work, since it might become drawn out and postpone the bedika. It is similarly forbidden to go shopping during this time, or begin eating bread of an amount more than a *k'beitza* (the volume of an egg, which is 57.6cc according to R' Chaim Naeh, or 99.5cc according to the Chazon Ish). It is permitted to eat a light snack of less than this amount of bread, or any amount of fruit. However, when the time for bedika arrives, it is improper to postpone it at all, even by eating a light snack.

2. If a person has a set time to learn Torah in his house, he should not begin to learn until after he has checked for chametz. However, one may learn Torah during the half hour before *tzais hakochavim*. Some authorities forbid learning even during this half hour, unless one appoints a 'guardian' to remind him when the time for bedika arrives.

3. According to all opinions, if a group meets to learn halachos in shul, they may learn during this half hour. The shiur will not cause them to forget to check, since anyway they must return home after the shiur, and they will check then. Nevertheless, they should not learn with *piilul* (complex Talmudic discussions) since this form of learning tends to get drawn out.

4. If one began learning or working before the half hour period before *tzais*, according to the Shulchan Aruch he may continue until he has finished and then check for chametz, since he began these activities at a time when it was permitted to do so. According to the Rema, he must cease his activities in order to check at *tzais hakochavim*, which is the most proper time for bedikas chametz.

chametz, he has resolved that the chametz is undesirable. This is the essence of bitul chametz, and therefore the mitzva begins before the beracha is recited.

דף יא/ב אוכלין כל ארבע

The Rabbinic Prohibition Against Chametz on the 14th

According to Torah law, the prohibition against eating, deriving benefit, or possessing chametz begins on erev Pesach at midday. The Gemara refers to this time as the "end of the sixth hour," (referring to the twelve hours of *sha'os zemanios* by which the daylight hours are divided). The Mishna then states that according to Rabbinic law, the prohibition against chametz begins before this time. The Sages feared that if people were to eat chametz until the last permissible minute, they might lose track of time and come to eat chametz in the afternoon.

The amount of time which the Sages extended the prohibition is subject to a machlokes in the Mishna. The halacha follows R' Yehuda, who holds: "[Chametz] is eaten for the entire fourth hour, suspended for the entire fifth [hour], and burned at the beginning of the sixth [hour]." That is to say, the prohibition against eating chametz begins at the beginning of the fifth hour, but the prohibition against possessing or deriving benefit begins an hour later, at the beginning of the sixth hour. It would seem from here that the Rabbinic prohibition against eating chametz applies equally to the fifth and sixth hours. However, the Rambam (Hilchos Chametz V'Matza 1:10) makes a perplexing distinction: "Chametz may be eaten on the day of the 14th until the end of the fourth hour. It may not be eaten during the fifth hour, but benefit may still be derived from it. If a person eats chametz during the sixth hour, he is flogged by Rabbinic law. If he eats chametz from the beginning of the seventh hour, he is flogged [by Torah law]." Although the fifth and sixth hours are both subject to the Rabbinic prohibition against eating chametz, the prohibition of the sixth hour is punishable by flogging, but the fifth hour is not. What is the reason for this distinction, and what is the Rambam's source for it?

The Brisker Rav, R' Yitzchak Zev Soloveitchik (Chidushei HaGriz, Hilchos Chametz V'Matza) explains by reexamining the wording of the Mishna: "[Chametz] is eaten for the entire fourth hour, suspended for the entire fifth [hour]." What does it mean that chametz is suspended for the fifth hour? Rashi explains that one may not eat it, but he may still keep it to feed his animals (or derive any other benefit). The Rambam (ibid, 1:9), however, explains that "suspended for the fifth hour" refers to chametz from the loaves that accompany a *Korban Toda*. Throughout the year, it is forbidden to derive any benefit from these loaves, other than to eat them. Once the fifth hour of erev Pesach has arrived, it is also forbidden to eat them. One might think that since they are forbidden to be eaten (due to the laws of Pesach), and forbidden from any other benefit (due to the sanctity of the korbanos), one should burn them immediately. To counter this assumption, the Mishna clarifies that due to the sanctity of the *Toda* loaves, they may not be burnt until the sixth hour, when it becomes necessary to do so.

To explain, the Brisker Rav introduces the often-used distinction between "*cheftza*" and "*gavra*." Some Rabbinic enactments were directed towards a person, ordering him to refrain from that which is permitted, in order that he will not come to transgress a Torah prohibition. These enactments are known as prohibitions against the "*gavra*" (Aramaic for 'person'). Other enactments were directed towards a "*cheftza*" (Aramaic for object), rendering it prohibited by Rabbinic decree.

This would seem to be a mere question of semantics. What is the difference whether we say that the object is prohibited, or that the person is prohibited from using it? However, this subtle distinction is the key to unlocking dozens of perplexing contradictions throughout Shas.

In this case, the prohibition against eating chametz in the fifth hour is an *issur gavra*. It is still permitted to own and derive benefit from the chametz, but the Sages ordered us to refrain from eating it. In other words, it is not the food which is forbidden, but the person who is forbidden to eat it. However, the prohibition against eating chametz in the sixth hour is an *issur cheftza*. The chametz itself is forbidden to be possessed or provide any benefit. Therefore, it takes on the status of impure *kodashim*, which must be burnt.

For this same reason, eating chametz during the sixth hour is punishable by flogging, but during the fifth hour it is not. In the sixth hour, the chametz is forbidden by Rabbinic law, just as non-kosher animals and the like are forbidden by Torah law. Eating forbidden foods is punishable by flogging. In the fifth hour, chametz is not forbidden per se, but rather the person is forbidden to eat it. In this case, there is no punishment of flogging.