

לעילוי נשמת

הר"ד 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"ד יוסף וולף ז"ל
ב"ר ברוך מנדל הי"ד
ת.נ.צ.ב.ה.

י"ל ע"י ביהמ"ד למגידי שיעור "דף היומי" בראשות הגר"ד קובלסקי שליט"א וע"י קרן ברכה ומוטי זיסר

Vol.350 מסכת פסחים י"ט-כ"ה בס"ד, ז' שבט תשס"ו

השבוע בגליון

- Introduction to Taharos
- Why is Citric Acid Chametz?
- Chametz Medicine
- An Unending Cycle of Tumah
- Ach'shivai - Eating Inedible Chametz
- Trading in Non-Kosher Animals
- Selling Worthless Chametz

דף יד/כ חרב הרי הוא כחלל

Tumah and Tahara

One of the many advantages of learning Daf Yomi, is that one becomes familiar with a wide variety of subjects that otherwise might have been skipped over. Currently, Daf Yomi follows the sugya of R' Chanina S'gan HaKohanim, a long and complex discussion of the laws of *taharos* (ritual purity).

Included in this sugya is the descending scale of *tumah* (impurity), and the ability of the different levels of *tumah* to sully people, vessels or foods that touch it. The levels of *tumah* are as follows:

- 1. Avi avos hatumah:** Literally, "father of fathers of tumah." This unique category is reserved only for a dead body. A person who touches a dead body becomes an *av hatumah*, a level of impurity equivalent to all other original sources of *tumah*.
- 2. Av hatumah:** "Father of tumah." All sources of *tumah*, except for a dead body, fall into this category. Some examples are *sherez* (certain dead vermin), *matzora* (a person suffering from tzaraas), and *nidda*. As we mentioned above, one who touches a dead body becomes an *av hatumah*, even though he is not actually the source of the impurity.
- 3. Rishon l'tumah:** "First degree of contact to tumah." People, utensils, or food that touch an *av hatumah* take on the status of a *rishon l'tumah*, and must be immersed in a mikva to be purified.
- 4. Sheini, Shlishi, Revii l'tumah:** "Second, third and fourth degree of contact to tumah." Only food has the ability to become a *sheini* upon touching a *rishon*. People or keilim that touch a *rishon* do not become *tamei* at all. *Terumah* and *Kadoshim* that touch a *sheini* become *shlishi l'tumah*, while *Kadoshim* alone can become a *revii* by touching a *shlishi*.

A person or object that become *avos hatumah* from touching a dead body cannot be purified simply by immersing in a mikva. They must be treated with water mixed with the ashes of the *para aduma* (red heifer) on the third and seventh days of their impurity. Only afterwards may they immerse in a mikva and become pure. In contrast, a person who becomes a *rishon l' tumah* by touching any other source of impurity, may immerse immediately.

Metal tools: The Torah gives a special distinction to swords and other metal tools. A metal tool that touches a dead body does not merely become an *av hatumah*. It becomes an *avi avos hatumah*, like the body itself. Similarly, a metal tool that touches an *av hatumah* does not become a *rishon*. It becomes an *av hatumah*. Our Sages learn this from the *possuk*, "Any who touch those slain by the sword... shall be *tameih* for seven days" (Bamidbar 19:16). The Torah equates the slain to the sword. Just as the slain can impart *tumah* that lasts for seven days, so too can the sword that slew them (see Rambam Hilchos Tumas Meis 5:2).

An endless circle: Based on this ruling, there is a unique difficulty in purifying a sword that had touched a dead body. The sword now requires a seven day purification process, at the end of which it must be immersed in a mikva. However, since it is an *avi avos hatumah*, as soon as a person touches it to immerse it, he becomes an *av hatumah*. The sword then becomes an *av hatumah* again for having touched him, and

דבר העורר

The Kamorna Rebbe and the Slivovitz

Rebbe Isaac of Kamorna zt"l was accustomed to refrain from drinking plum brandy (known as *slivovitz*) on Pesach, from concern that it might contain some traces of chametz. One year, between Purim and Pesach, a group of chassidim came to visit him from a nearby village. They told him that the Rav in their town, R' Feivel, was a distinguished *talmid chachom* renowned for his *yiras Shomayim*. That year R' Feivel had given a *hech'sher* for Pesach to the local *slivovitz* distillery. The chassidim then offered to bring the Rebbe a gift of a bottle of *slivovitz* for Pesach.

"My custom has always been not to drink *slivovitz* on Pesach," he said. "However, if you bring me the *kashrus* certificate from R' Feivel, perhaps I will drink it."

A few days later, the Rebbe received a letter from R' Feivel, with a curious misspelling. The letter said that the *slivovitz* in question was produced under the utmost scrutiny, and it is certainly and without question *shechar* (beer) for Pesach even according to the most exacting opinions. In Hebrew, *kosher* and *shechar* are made up of the same three letters. The misspelling was obviously a mere oversight, but the Rebbe took it as a sign. "I want *kosher* drinks for Pesach, not beer," he said.

A week later R' Feivel and his community were shocked to discover that the distillers had managed to deceive them, and had used a mix of barley malt together with the plums, making the brandy totally *chametz-dik*.

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The Meoros Staff



פנינים

כ/ב את ה' אלוהיך תירא לרבות תלמידי חכמים

A Simple Matter?

Moshe Rabbeinu enjoined the Jewish people to fear Hashem, and to serve Him with all our hearts. "What does Hashem your G-d ask of you, but to fear him ..." (Devarim 10:12). The Gemara (Berachos 33b) asks that this rhetorical question seems to imply that it is a simple matter to fear Hashem. However, some of us find this very difficult. The Gemara answers that for Moshe, fearing Hashem was simple.

The Meor V'Shemesh (parshas Re'eih) asks that this does not seem to answer the question. For Moshe perhaps it was simple, but for the rest of us it is difficult. He answers based on our Gemara, where R' Akiva expounds on the possuk, "Es Hashem, your G-d, you must fear." Es comes to include Torah scholars. By treating Torah scholars with awe and reverence, we awaken within ourselves awe for Hashem.

For Moshe, and for the people who stood in awe of his greatness, fearing Hashem was a simple matter.

כג/א שלך אי אתה רואה אבל אתה רואה של אחרים וכו'

Other People's Faults

The Gemara learns from the possuk, "You shall not see for yourselves chametz," that we may not see our own chametz over Pesach, but we may see the chametz of others. This Gemara also refers to the character flaws symbolized by chametz. Although we do not see our own faults, we manage to see the faults of others. Therefore, the Baal Shem Tov taught that we must look at other people as if we are looking in a mirror. When we see fault in others, it is a sign from Hashem that we must correct that fault in ourselves (Toldos Yaakov Yosef, parshas Pekudei).

a new seven day purification process must be started. Therefore, the sword must never touch anything that can become impure. At the end of seven days, it must be carried to the mikva by means of something such as an unfinished wood protect (*peshutei kli eitz*), which cannot become impure.

The Rashash (R' Shmuel Strauson zt'l of Vilna; Chaggiga 23) offers a unique interpretation, which resolves this difficulty. He explains that when a person touches the sword in our story, he need not begin a seven day purification process from the beginning. Rather, he takes on the status of the sword, and an equivalent stage in the process of purification. That is to say, if four days have passed since the sword became *tamei*, and it needs only another three to become *tahor*, then a person who touches it also need wait only three days. If he touches it after it has completed the seven days, and need only be immersed to become pure, he also need not wait, and can immerse immediately. Therefore, there is no need to begin another seven day process each time the sword is touched.

Other Acharonim (Mikdash David 49:6) cite proofs from the Gemara against the Rashash's interpretation (see Kehillos Yaakov, Taharos:18 who discusses this subject at length. See also Taam V'Daas by R' Y. Fishof, on the Rambam ibid, s.v. *Keilim*).

דף כ"א/א כל שעה שמותר לאכול מותר למכור

Bitul Chametz and Selling Chametz

Several procedures are followed during the days preceding Pesach, in order to rid our property of chametz. In addition to actually destroying the chametz, we perform bitul chametz, and also sell our chametz to a gentile, generally using the rav or gabbai of the shul as our agent. The members of the community approach the rav at their leisure in the days preceding Pesach to appoint him to sell their chametz, and he stipulates with the gentile that the transfer of ownership will take place immediately before the prohibition begins on erev Pesach.

When performing bitul chametz, we declare our chametz to be ownerless and worthless, like the dust of the ground. These are very nice sentiments to have, but it would seem that our actions contradict our words. How could we claim that our chametz is worthless, while immediately afterward the rabbi sells it on our behalf? If we sell it and expect money in return, obviously we do not deem it to be ownerless and worthless.

What is the need for both procedures? In order to resolve this problem, we must first examine a more fundamental question. What is the need for both procedures? Whether one disowns his chametz, or he sells it to a gentile, either way the chametz has left his possession. What is gained by doing both? In truth, the Torah does not require both. According to Torah law, it is sufficient for a person to perform bitul chametz, and leave chametz in his home, neither destroying nor selling it. However, the Sages did not wish to rely on bitul alone for several reasons. Firstly, one might come across chametz in his house during Pesach and accidentally eat it. Secondly, since bitul depends upon the earnest resolution of the heart, there is room to fear that a person may not be so sincere in his bitul. He would then transgress a Torah prohibition of keeping chametz over Pesach (Mishna Berura 431, s.k. 2). For these reasons, the Sages require us to also rid chametz from our possession, by destroying it or otherwise disposing of it.

Since Jews in Europe were often forbidden to own land, it was very prevalent for them to deal in beer or spirits, which are totally chametz. Destroying one's entire stock of spirits before Pesach would be a disastrous blow to his business. Therefore, the solution was found to sell chametz to a gentile before Pesach, and buy it back afterward (see Shaarei Teshuva 448:3). Unlike the vague sale of "all the chametz in my possession" that we perform today, to a faceless gentile whom we never meet, the sale of chametz originally developed as a formal sale of specific merchandise. Afterwards, on the 14th of Nissan, they would perform bitul for the few crumbs that may have been overlooked during the bedika, and of course were not included in the sale.

In our generation, the opposite order is followed. We first perform bitul on the night of the 14th, and then again in the morning, and only afterwards, immediately before the prohibition begins, does the sale of chametz take place. We therefore return to our original question; how can we claim to



make our chametz "worthless and ownerless" and then proceed to sell it?

In fact, this question was addressed by many of the most prominent Poskim of recent generations. Among them was R' Yosef Kohen (Mikra'ei Kodosh, p. 207), who explained that when we appoint the rabbi as our agent to sell the chametz, we have not yet performed bitul. At that point, our chametz is still "valuable and owned," so to speak. Therefore, it is still appropriate to discuss terms of sale. After we perform bitul, it is the rabbi who tends to the sale, not us. We do not show any personal interest in the "worthless and ownerless" chametz that the rabbi sells.

The rabbi's chametz: This solution works very nicely for the chametz of the congregation. However, how can the rabbi sell his own chametz after he has performed bitul? To avoid this problem, some rabbis have the custom to perform bitul on the morning of the 14th, after they have completed the sale (see Minchas Yitzchak VIII 41).

דף כא/ב חרכו קודם זמנו מותר בהנאה אפילו לאחר זמנו

Why is Citric Acid Chametz?

Almost thirty years ago, R' Yitzchak Weiss publicized a ruling that the citric acid commonly used as an artificial fruit-flavoring is chametz and forbidden on Pesach. As part of the process of producing citric acid, starches made from grains are broken down into an inedible form and then mixed with other ingredients to create citric acid.

Some challenged this ruling, citing from our Gemara that chametz inedible to people or even to dogs, is permitted on Pesach. Although citric acid is edible, the chametz component is made inedible during production before it is mixed with the other ingredients. Therefore, citric acid should be permitted. R' Weiss refuted this claim with a lengthy teshuva (Minchas Yitzchak VII 27), in which he cited three reasons why citric acid is nevertheless chametz.

Firstly, it is not certain that the chametz component indeed becomes inedible even to dogs. Secondly, even if it does become inedible temporarily, this is only a stage in the process of converting it into edible citric acid. The Poskim of previous generations debated an identical problem in regard to the production of spirits. Chametz grains are fermented and made into inedible malts, which are then distilled and made into edible spirits. The Poskim unanimously ruled that these spirits are chametz, and the same is true of citric acid.

Thirdly, even if we were to agree that the chametz component of citric acid is inedible, the Rosh rules that inedible chametz may be owned but not eaten. When a person eats something inedible, he clearly shows that he considers it (*ach'shivai*) to be food. Therefore, for him the prohibition of chametz applies (Shulchan Aruch HaRav 442:32; Mishna Berura ibid s.k. 43).

Chametz medicine: The Poskim question whether the principle of *ach'shivai* should apply to medicine that includes inedible chametz ingredients. Should we consider the chametz to be edible, simply because the person eats it? The Ksav Sofer (O.C. 111), Igros Moshe (II, 92), and many other Poskim rule that one may take such medicine on Pesach. *Ach'shivai* applies when one eats "inedible" chametz for his enjoyment. By doing so, he shows that he considers it to be food. However, one does not swallow the pills for his enjoyment. Even bitter and disgusting medicine is taken when required. Therefore, medicine is not included in the principle of *ach'shivai*. Nevertheless, some Poskim suggest that *le'chatchilah* it is better to find non-chametz alternatives, if possible (see Titz Eliever X, 25:20; Piskei Teshuvos 442:5, footnote 24).

דף נג/א צידי חיה ועופות ודגים וכו'

Marketing Non-Kosher Animals

A certain percentage of animals that pass through Jewish slaughterhouses are found to be non-kosher. This may be for one of two reasons. Either they were slaughtered improperly (these animals are known as *neveilos*), or blemishes were found on the internal organs (these animals are called *treifos*). It is customary for these animals to be sold to gentiles. Sometimes, the owner of the slaughterhouse himself tends to the sale of the non-kosher meat. However, it is also common for people to specialize in the marketing of non-kosher meat to the gentile public. They buy the *neveilos* and *treifos* from the slaughterhouse and then sell them to gentile butchers.

Appointing a *shaliach* (messenger) to perform the bedika:

1. One may appoint a *shaliach* to check for chametz on his behalf. The *shaliach* may or may not be a member of his family, as he wishes. It is best to appoint men of above bar-mitzva age, although strictly speaking women and children are also acceptable. One may not appoint non-Jewish workers to check for chametz.

2. Even if one has appointed a *shaliach* to check for him, he should also take part in the bedika, since a mitzva incumbent upon a person should ideally be performed personally. If the home-owner participates in the search, he should recite the beracha, and the others helping him should stand nearby and answer Amen, before beginning to search.

3. If the others did not hear the beracha, they should not be sent to check *le'chatchilah*. However, if the home-owner began the bedika himself, and finds it difficult to complete it alone, he may ask others to help him even if they did not hear the beracha. This is because the entire bedika is one mitzva, over which a beracha has already been recited.

4. If the home-owner does not participate in the bedika at all, the *shaliach* recites the beracha, since he acts as an emissary both in regard to the mitzva, and in regard to the beracha.

Checking several houses:

1. If a person has several houses to check, he should recite the beracha before checking the first house, and intend that the beracha apply to them all.

2. Some authorities hold that if one has a second house in a different courtyard to check, he must recite a new beracha. However, the Poskim conclude that since a person is obligated to check all the areas in his possession, they are all considered as one mitzva, and traveling between them is not considered an interruption. Therefore, if a person has a store or warehouse to check, he should recite a beracha before checking his home, with intention that the beracha apply to the other areas as well. After completing the check of his home, he should travel immediately to check his store or warehouse, and no new beracha should be recited.

Cleaning the house before bedika:

1. Before performing bedikas chametz,



one must sweep his house, since it is impossible to properly check for chametz otherwise. It is customary to sweep the entire house on the day of the 13th, in order that the bedika may begin immediately at the beginning of the night.

2. Sweeping the house on the 13th does not take the place of bedika. One must also perform bedikas chametz on the night of the 14th, searching all the holes and crevices in his house by candlelight. This is true even if one was careful not to bring chametz into a room after it was swept.

3. Some have the practice to clean the house thoroughly in the days preceding Pesach, and then perform a light, superficial search during bedikas chametz on the night of the 14th, without checking every hole and crevice. The Poskim (Shaarei Teshuva 433 s.k. 2, Daas Torah 433:2) lend some credence to this practice. They explain that once an area has been cleaned so thoroughly that one is certain that no chametz is left, it is considered like an area where chametz is not brought, which is exempt from bedika. This is especially true with flat surfaces such as draws that can be pulled out from a dresser, and one can see for certain that no chametz is there. There are no holes or crevices on such surfaces that would require candlelight to examine. It is then sufficient to perform a superficial bedika by candlelight on the night of the 14th, in order to fulfill the Rabbinic enactment.

If one does rely on this leniency, he must be exceedingly careful to determine which areas were cleaned well, and which areas may have been overlooked – such as certain drawers, knapsacks and the like. One must also be careful not to bring chametz into an area that has already been cleaned for Pesach.

As we find in our sugya, this profession is questionable indeed. The Gemara learns from pesukim that a Jew may not deal in non-kosher insects even for the gentile market, and the same applies to non-kosher meat (Shvi'is 7:3). However, if a hunter accidentally catches a non-kosher animal, he may sell it to a gentile. The prohibition applies only to focusing one's pursuits on non-kosher meat (see Shulchan Aruch Y.D. 117:1). Therefore, the owner of a slaughterhouse may certainly sell the occasional *neveilos* and *treifos* to a gentile. Our question regards only those who specialize in buying *neveilos* and *treifos* for resale.

Torah or Rabbinic Prohibition: The Gemara cites a possuk as the source for this prohibition. Some Rishonim interpret the Gemara to mean that it is in fact a Torah prohibition (Tosefos here, and in Bava Kama 82b; Rosh, *ibid*: 12). Others learn that it is only a Rabbinic prohibition, for which the Sages found an *asmachta* in the Torah (Terumas HaDeshen, 200; Raavad on Toras Kohanim, parshas Shemini, 2). Others explain that in its source, this is a Torah prohibition. However, the prohibition applies only to the sale of non-kosher animals for food purposes. Horses and donkeys may be sold as beasts of burden, and dogs may be sold for protection or other purposes. Since the animals customarily eaten by gentiles vary from place to place and from time to time, the Torah gave the Sages the authority to determine which animals fall into this prohibition, and which do not (see Tosefos Yom Tov, *ibid*; Taz, Y.D. 117:1; Teshuvos HaRashba III:223).

The difference between insects and *neveilos*: The Chavas Yair (142) holds that the Torah prohibition forbids dealing with insects. The Sages extended this prohibition to include *neveilos* and *treifos*. Insects are essentially non-kosher species of animals. Therefore they are entirely forbidden. *Neveilos* and *treifos* are essentially kosher species, which due to an unfortunate mishap were rendered inedible to Jews. Therefore, although they may not be eaten, they may be sold to gentiles according to Torah law.

As we mentioned above, there is no doubt that the owner of the slaughterhouse may sell his non-kosher animals to gentiles. This is included in the permission extended to hunters to sell the non-kosher animals they accidentally catch. The question regards only the merchants who specialize in the non-kosher meat accidentally produced by Jewish slaughterhouses. Perhaps they are also included in this leniency, since the production of this non-kosher meat was entirely accidental. These merchants merely help to dispose of the unwanted byproduct as efficiently as possible. Although they are self-employed, perhaps they can still be considered like agents of the slaughterhouse owner. On the other hand, since their principle occupation is the purchase and distribution of non-kosher meat, perhaps this is forbidden.

Based on these two conflicting reasonings, the Taz (Y.D. *ibid*, s.k. 2) permits this occupation, while the Bach and Shach (s.k. 8) forbid it. When asked to decide which opinion to follow, R' Akiva Eiger (Teshuvos, I: 74), responded that it is a difficult matter to decide. However, since the Taz cites that the custom among Klal Yisrael has always been to permit this, we must begin with the assumption that the *minhag* is just, and apply ourselves to find sufficient reason for it (even according to the Shach and Bach).

R' Akiva Eiger explains that the majority of animals discarded by the slaughterhouse are *treifos* and not *neveilos*. He contends that even the opinions that forbid the sale of *neveilos* according to Torah law, admit that *treifos* are only forbidden according to Rabbinic law. Furthermore, the meat marked as *treif* is often only questionably *treif*, based on various disputes among the Poskim, and therefore discarded. Since it is only questionably *treif*, and the prohibition against selling it is only Rabbinic, one may rely on the general principle that "*safek d'rabanan l'hakeil* – one may be lenient in uncertainties regarding Rabbinic law."

Therefore, he concludes that although there is some room to be lenient, people who engage in this business should be informed that they rely on questionable leniencies.

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