

1 In the previous Daf the גמרא compares our משנה with a משנה in סנהדרין which discusses the issue of two witnesses who contradict each other's testimony about the timing of the event that they witnessed.

1 *מאן דאמר*



רבי יהודה אומר
אוכלין כל ארבע
ותולין כל חמש
ושורפין בתחלת שש

רבי מאיר אומר
אוכלים כל חמש
ושורפין
בתחלת שש

2 רבי מאיר would accept a discrepancy of one hour as a mistake by one of them, but would not accept a discrepancy of two hours. He considers that a contradiction, and עדותן בטלה - their testimony is not valid. רבי יהודה would accept a discrepancy of even two hours, and עדותן קיימת - their testimony is valid.

2 *מאן דאמר סנהדרין*

Two witnesses that contradicted each other

רבי יהודה		רבי מאיר	
One Hour	Two Hours	One Hour	Two Hours
✓	✓	✓	✗
עדות קיימת	עדות קיימת	עדות קיימת	עדות בטלה

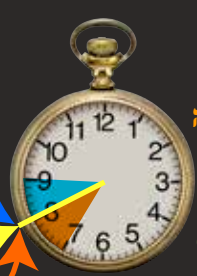
3 רבא and רבי אבהו disagree as to what the reasoning of each side of the מחלוקת is.

רבא says that-

אין אדם טועה ולא כלום רבי מאיר -

People do not err in the time of day at all. However, a one hour discrepancy can be explained by an event that occurred ON the hour, which is essentially the very end of the previous hour AND the very beginning of the next hour, and they are each referring to the same time - one way or the other respectively.

3 *רבא and רבי אבהו disagree as to their reasoning*



רבי מאיר
אין אדם טועה ולא כלום
One hour discrepancy

The beginning of the next hour

The event occurred on the hour

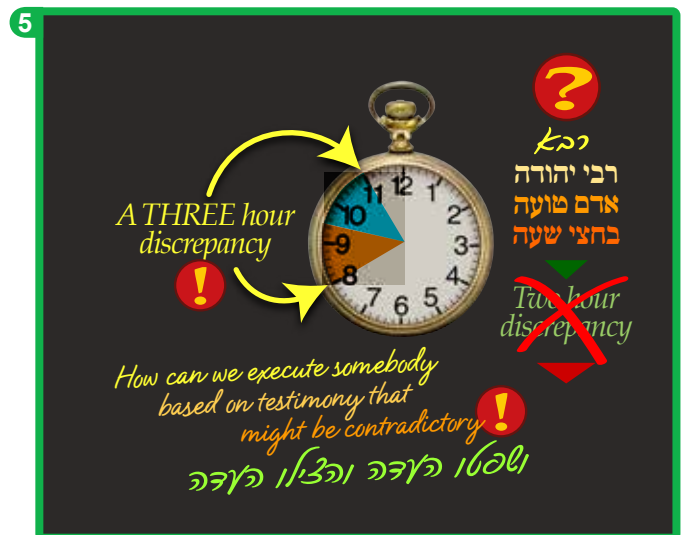
The end of the previous hour

4 אדם טועה בחצי שעה ר' יהודה - people can err by up to a half hour, and a discrepancy in testimony of two hours can be explained by an event that happened in the middle of an hour where each witness made a mistake of a half hour in each direction.

An alternate version of רבי מאיר אב"י says that according to רבי מאיר people will make very minor mistakes while according to רבי יהודה people will make mistakes of an hour and a little bit.



5 רבא rejects Abaye's פשט, because it would mean that we would convict somebody according to רבי יהודה when there is a two hour discrepancy, even though it may actually be a difference of almost three hours. One witness may have been referring to the BEGINNING of the third hour, and the other to the END of the fifth hour, a difference of almost three hours - certainly a contradiction. How can we execute somebody based on testimony that might be contradictory? After all, the rule is - ושפטו העדה והצילו העדה - We must do whatever we can to try to justify saving the person and NOT killing him?



6 Instead רבא suggests a different understanding of the מחלוקת: לדברי ר"מ אדם טועה שתי שעות חסר משהו - לדברי ר' יהודה אדם טועה שלש שעות חסר משהו - R' Meir holds people can be off by just under two hours, and once the discrepancy between the witnesses is two full hours we can no longer accept the testimony. ר' יהודה holds people can be mistaken by up to slightly under three hours, and we can still accept a discrepancy of two hours.



7 Considering that people make such significant mistakes in the time of day, the גמרא questions how to understand the משנה in סנהדרין about the שבע הקירות - the seven critical questions that we ask עדים in order to determine the time and place of the event they are testifying about. The משנה says; הקירות אמר אחד מהן איני יודע עדותן בטלה - If one of the witnesses cannot answer even one הקירה question, such as to the hour of the day, the testimony is rejected because it is עדות שאי אתה יכול להזימה - Testimony that can never make them זוממין. The other עדים cannot claim עמנו הייתם - You were with us elsewhere at that time, because they can always say we erred, it must have been 2 or 3 hours earlier or later.

7

שבע הקירות
Seven critical questions to determine the time and place of the event

↓

הקירות
אמר אחד מהן איני יודע עדותן בטלה
עדות שאי אתה יכול להזימה
They can say we erred it must have been 2 or 3 hours earlier or later

8 The גמרא answers that when accepting their answers about the hour, we allow for a window of four hours according to ר' מאיר, since the mistake could have been made two hours in either direction, and six hours according to ר' יהודה since the mistake could have been made by three hours in either direction. In other words, as Rashi explains, the מזימין will have to say that you were with us elsewhere for that entire 4 or 6 hour period. We do not, however, allow for an error that would put the event back to before sunrise or after חצות היום, since בין יומא ללילי לא טעו אינשי - people would not confuse days with nights, and בה' חמה במזרח ובו' חמה במערב - the sun is in the eastern part of the sky in the fifth hour and the western part in the seventh hour.

8

We allow for a window of...

According to ר' יהודה	According to ר' מאיר
6 hours 3 hours in either direction	4 hours 2 hours in either direction

↓

We do not allow for an error that would put the event back to before sunrise or after חצות היום

בין יומא ללילי לא טעו אינשי *בה' חמה במזרח ובו' חמה במערב*

9 The גמרא now explains the opinions of רבי מאיר and רבי יהודה in our משנה about when we have to stop eating חמץ, in light of their opinions regarding עדות about how much of a mistake people are likely to make in judging the hour of the day.

According to אביי, regarding עדות, R' Meir holds that either there is no mistake at all - or a minimal mistake of the time, whereas regarding חמץ we must stop eating a full hour before חצות. Similarly, regarding עדות R' Yehuda holds that the mistake can be either by a half hour or a full hour, whereas regarding חמץ we must stop two hours earlier.

9

אביי

חמץ	רבי מאיר	עדות
Stop eating One hour before חצות	?	אין אדם טועה ולא כלום
Stop eating Two hours before חצות	?	אדם טועה בחצי שעה

10 The reason for the difference is - עדות מסורה לזריזים, חמץ לכל מסור - People who are coming to testify are more precise in noting the time of occurrence, since they know that they will be questioned about the timing. Therefore, we only allow for a smaller error. However, חמץ איסור is relevant to everybody, and we are concerned that people in general might misjudge the time in greater amounts.

10

The reason for the difference:

↓	<i>חמץ לכל מסור</i>	↓	<i>עדות מסורה לזריזים</i>
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11 רבא explains that רבי מאיר who allows for two hour mistakes by עדות, still only requires stopping to eat חמץ one hour earlier, because nobody would confuse the fifth hour - when the sun is to the east - with the seventh hour of the day - when the sun is to the west. However, R' Meir does not allow eating חמץ in the sixth hour, because the end of the sixth hour and the beginning of the seventh hour CAN be confused, because the sun is too close to the top of its arc.

11

רבא

<i>חמץ</i> Stop eating One hour before הצות	רבי מאיר ?	<i>עדות</i> אדם טועה שתי שעות חסר משהו
↓	רבי יהודה ?	אדם טועה שלש שעות חסר משהו

Nobody would confuse 5th hour - sun is East 7th hour - sun is West

Similarly, ר' יהודה who allows for almost a three hour mistake by עדות, would only require stopping to eat חמץ two hours earlier on פסח, because people certainly won't confuse the fourth hour with the seventh hour, because of the location of the sun.

12 The גמרא asks that according to this logic ר' יהודה should allow eating חמץ even in the fifth hour, which is also never confused with the seventh hour? The גמרא offers three answers: First - חמץ לכל מסור - we expect bigger mistakes with חמץ than with עדות since the laws of חמץ are for everybody, unlike עדות which people prepare for. Second - Indeed, the איסור דרבנן to eat חמץ in the fifth hour is not because of concern for misjudging the time, but rather because ר' יהודה wants people to have an extra hour to gather wood, since he holds - אין ביעור חמץ אלא שריפה - the only acceptable way to destroy חמץ is through burning it. Finally - גזירה משום יום המעונן - we are concerned for bigger mistakes on cloudy days when the sun cannot be seen. However, a possible cloudy day is not enough reason to forbid חמץ in the fourth hour because זמן סעודה לכל היא - the fourth hour is the time that everybody eats their meals, so everybody knows when it is.

12

? ר' יהודה should allow even in the 5th hour?

1 <i>חמץ לכל מסור</i> <i>We expect bigger mistakes</i>	2 <i>ר' יהודה</i> <i>an extra hour to gather wood</i> <i>אין ביצור חמץ אלא לריפ</i>	3 <i>גזירה משום יום המעונן</i> <i>However, the 4th hour אין סודבב אל פא</i>
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