

בשית חמה בי קרנתא קאי –

In the sixth hour, the sun is positioned in a corner

OVERVIEW

The גמרא asked if we assume that people can tell the difference between the morning hours (when the sun is in the east) and the afternoon hours (when the sun is in the west), then one should be permitted to eat חמץ during the sixth hour, before the sun reaches the western part of the sky. The גמרא answered (according to רבא) that during the sixth hour the sun is in such an angle that it can be confusing. People may think that it is only the sixth hour when actually it is already the seventh hour. Based on this, תוספות has a difficulty with a previous גמרא.



תוספות asks:

הקשה רבינו יצחק בן אשר לאביי דאמר¹ לרבי יהודה דאמר² –

The ר"י asked; according to אביי who maintains according to ריב"א –

אדם טועה חצי שעה ותלינן הטעות בשניה³ –

That a person errs a half-hour and we assume they both erred –

אם כן אחד אומר בה' ואחד אומר בשבע⁴ אמאי עדותן בטלה⁵ –

If this is indeed so, then in the case where one testified בה' and the other testified בשבע why is their testimony disqualified –

כיון דאין הכירא בתחילת שש לז' נימא האי דקאמר ה' בסוף ה'⁶ –

Since the גמרא is now saying that there is no recognition to differentiate between the beginning of the sixth hour and the seventh hour; let us say that this one who testified בה' meant ה' בסוף ה' –

והאי דקאמר ז' בתחילת ז'⁷ ועובדא הוה בפלגא דשית⁸ וטעה כל אחד חצי שעה –

And this one who testified ז' meant in the beginning of ז', and the incident happened midway in the sixth hour so each witness erred a half-hour.⁹

¹ דף יא, ב.

² Others omit this 'דאמר'.

³ In the case where one testified בשלש and the other testified בחמש we uphold the testimony according to ר"י. אביי explained that the one who said בשלש meant שלש בסוף and the one who said בחמש meant חמש בתחלת and the actual incident took place בפלגא דארבע so each made a half-hour mistake which is tolerable.

⁴ ז' – 12-1pm; ו' – 11am-12pm; ה' – 10-11am.

⁵ The חמה cited previously (יא, ב) states that עדותן בטילה since במזרח חמה במערב and בה' חמה במזרח.

⁶ 10:59+am

⁷ 12:00 pm

⁸ 11:30 am

answers: תוספות

– ויש לומר דהא דקאמר שית חמה בי קרנתא קאי וטעו בין תחילת שש לז' –

And one can say that this which the גמרא states 'שית חמה בי קרנתא קאי', and therefore people can err between the beginning of the sixth hour and the seventh hour -

– היינו חמץ דלכל מסור –

That is only concerning the prohibition of eating חמץ which is given over to everyone; including people who are not so familiar or exact with knowing the time -

– אבל עדות מסורה לזריזין¹⁰ –

However testimony is given over to the meticulous and they will distinguish between the sixth and seventh hour.

תוספות offers an additional answer:

אי נמי הך שינויא דקאמר בי קרנתא קאי לית ליה לאביי¹¹:

Or you may also say; that this answer which the גמרא states 'בי קרנתא קאי', is not in agreement with אביי. Therefore the עדות cannot be upheld.

SUMMARY

Ordinary people may confuse the sixth and seventh hours but not עדים. Alternately those who maintain that people confuse the sixth and seventh hours disagree with אביי.

THINKING IT OVER

According to the בי אי נמי of תוספות that אביי does not agree with the concept of בי קרנתא קאי,¹² then why is there a prohibition to eat חמץ during the sixth hour?

⁹ אביי allows full leeway within their hour of testimony (from the very beginning to the very end). In addition both עדים are allotted a half-hour error. If the incident occurred 11:30 both witnesses are within the margin of error. The גמרא here maintains that the seventh hour (from 12p onwards) can be confused with the [entire] sixth hour (11:00a-12:00p) (and vice versa). It is therefore certainly possible to confuse 11:30 (when the incident happened) with either 11a or 12p (their respective testimonies). If any of these three criteria (allowing the entire hour, allowing both עדים to err a half-hour, and confusing the seventh and sixth hours) were lacking there would be no question.

¹⁰ No [responsible] עד will refer to 11:30 as either the fifth hour or the seventh hour.

¹¹ אביי does not agree that people can confuse דשית (11:30) with either סוף חמש (11:00) or תחילת שבע (12:00). See תוספות הרא"ש and תוספות הרשב"א. See 'Thinking it over'.

¹² See footnote # 11.