

4-Pesachim Introduction

The laws of Pesach

Pesach celebrates the central event in Jewish History, the redemption of the Jewish people from Egypt. The significance of that event is evident in the first of the 10 commandments (Ex 20:2), with “I am HaShem, your God, who delivered you from the land of Egypt.” This tractate, Pesachim, deals with the laws, the requirements and the prohibitions of the festival of Pesach. There are 24 commandments related to celebrating Pesach.

The term, Pesach, comes from Ex 12:13 when, on the night of the plague of the first born, God commanded the Israelites to take blood from their offering and smear it on the doorposts and lintels of their houses. The Angel of Death would see the blood on the doorposts and lintels and pass over those houses.

The term also refers to the sacrificial offering itself. Pesach is also referred to as the Festival of Matzos. The word Pesachim is plural. Originally this tractate was divided into 2 parts, the first dealing with the laws of chometz and the second dealing with the laws of the Pesach offering. It also could refer to the Pesach Sheni, which is second Pesach observed by those who were tamei (unclean) or too distant from the Temple to observe the regular Pesach.

4-Pesachim Introduction

Pesachim follows a chronologic order:

- 1 -Search for chometz on the night before Pesach.
- 1 -Noon of erev Pesach – dispose of all chometz.
- 1 -1-2 hrs before noon- prohibition to eat or benefit from chometz.
- 2 -Rules about what constitutes ownership of chometz.
- 3 -How to prepare matzoh.
- 4 -What can be used for maror.
- 5 -Rules regarding chometz that is not fit for consumption.
- 6 -Prohibition regarding working on erev Pesach.
- 5678 -Rules regarding the Pesach offering.
- 9 -Laws of Pesach Sheni.
- 10 -Procedure of the Seder on the first night of Pesach.

4-Pesachim Introduction

Chometz.

Chometz is any product made of the following grain/s that has been allowed to become leavened:

- Wheat
- Barley
- Spelt
- Rye
- Oats
- (rice and millet) (kitniyot)

If a person consumes chometz:

1. On purpose- the punishment is Kores (excision).
2. If warned and witnessed - the punishment is Malkus (lashes).
3. If inadvertent – the punishment is that he must bring a Chatas.

If a person derives benefit from the chometz, i.e., feeds it to his animals or sells it, the punishment is Malkus or Chatas.

If chometz is found in his possession, he has violated 2 negative commandments.

(Ex 13:7 12:19)

A person must eliminate all chometz from his homes, i.e., nullify or destroy it.

That is the rule.

4-Pesachim Introduction

Matzah.

There is a Biblical requirement to eat matzah on the first night of Pesach, using dough of any of the 5 grains, but not leavened. There is no obligation to eat matzah beyond the Seder.

Pesach offering- Chap. 5,6,7,8

The Pesach offering, specifically, must be slaughtered on the afternoon of the 14th of Nissan and not be eaten until that night (Ex: 12:8) and then, only until midnight (Ex: 12:6).

The Pesach offering is to be eaten by all Jews who are Tahor, ‘b’chavrusah’, “must eat together” Ex.12:46).

- No uncircumcised man may eat the Pesach offering.
- No man, who has not circumcised his son, may eat the Pesach offering
- No apostate Jew or non-Jew may eat of the Pesach offering.
- The Pesach offering must be prepared by broiling it over fire. It cannot be cooked or raw.
- No bones may be broken in the Pesach offering .

Recounting the Passover story.

One must recount the story of the Exodus to his children, to others present, or to himself, if he is alone.

4-Pesachim Introduction

Chapter one.

The first chapter begins with the first obligation one encounters as Pesach approaches. This obligation is to rid oneself of chometz by searching, ‘bedikah’, and nullification, ‘bitul’, a conscious declaration. One should use both methods, search and remove. However, if some chometz was found during the holiday, it would be a transgression against the prohibition of owning chometz.. However, by nullifying, nothing is transgressed, even if chometz is later found.

Mishnah #1 2a1 to 9a1

The night of the 14th of Nissan:

- We search for chometz by the light of a candle.
- Where chometz is not usually brought, no search is needed.
- Two rows of a wine cellar must be searched if chometz might be there.

Bais Shammai- Says search the front two rows of the wine cellar.

Bais Hillel- Says search the outer two rows of the wine cellar.

אֹר לְאַרְבָּעָה עָשָׂר בּוֹדְקִין אֶת הַחֵמֶץ לְאֹר הַנֵּר

On the 14th day we should look for chometz.

On the 14th day we should look for chometz. However, no matter how careful and thorough we are, we should ask for God's help in doing a good job.

The house was perfectly clean for Pesach, yet the Rabbi almost fainted when he saw two kernels of wheat floating in his soup. A bird had flown over the Rabbi's chimney, where the uncovered pot was cooking, and dropped the two kernels into the soup.

We need not only search and clean, but also ask for God's help.

אֹר לְאַרְבַּעָה עָשָׂר בּוֹדְקִין אֶת הַחֵמֶץ לְאֹר הַנֵּר

On the night (ohr) of the 14th (of Nissan) one is required to check for chometz by the light of a candle.

The word ‘ohr’ normally refers to light, but here in our Mishnah, the word ‘ohr’ means night time.

The Rishonim ask why didn’t the Mishnah use the word, ‘laiyla’, for night?

Ravad - To teach us that one is obligated to perform the search at the beginning of the night, while there is still light.

Eliyah Rabbah - Agrees and specifies that right after the stars are seen, ‘tzeis hakochovim’, is the best time to search.

On the night (ohr) of the 14th (of Nissan) one is required to check for chometz by the light of a candle.

Rav Huna - ‘Ohr’ it means light, i.e., the daylight hours, morning.

Rav Yehudah - “Ohr” means night.

Rashi - It can mean the world to come.

“All the stars of the night,” Psalms 148:3.

מֵאֵי אֹר

What does the word 'ohr' mean?

The Gemara debates what the word 'ohr', 'light', means. They try to say it means night.

Why didn't the Mishnah use the word 'laiylah', if they meant night?

The Gemara says the word laiylah could mean morning or day.

In the discussion, we learn that a person who steals during the day is considered a murderer, a rotzeach, since he will be seen and likely resisted. It is obvious he is ready to kill to achieve his goals. He may be put to death for stealing or preemptively killed as a rotzeach.

A person who steals at night wants no confrontation. He is considered a robber, not a murderer (Bleich 3:276).

The Gemara (2b1) finally accepts that the wording in the Mishnah, in this instance, means night, not light or day.

לְעוֹלָם יִפְנֹס אָדָם בְּ, כִּי טוֹב" וַיֵּצֵא בְ, כִּי טוֹב"

A person should always come in while it is daylight and only go out when there is daylight.

Rashi – Explains that this is in order to avoid robbers and wild animals.

Tosofos - This directive is advice to travelers, since a person at home would have to go out first, but a traveler arrives and must first go in, as stated in the Mishnah. We are not speaking of a person in his home town, but we are speaking about a traveler.

אִי פְּשִׁיטָא לָךְ מִיִּלְתָּא פְּנֵהוּרָא דְאַנְפְּשׁוֹת קְאָתִי
רוֹצֵחַ הוּא

If it is as clear as light to you, that he is coming to take lives, he is a murderer and one is allowed to kill him.

A thief knows people will protect their property, their home, with force, so it is assumed that the thief plans to use force. We are permitted to kill the thief before he sheds innocent blood.

However, if like the night, it is unclear whether the thief intends to take a life, the household owner may not take the life of the thief.

If a pursuer comes and it is clearly visible that this pursuer (thief) does not come with harmful intent, it is clear that the household owner may not kill him.

וְאִי מִסְפֵּקָא לָךְ מִיִּלְתָּא בְּלִילִיא

However, if like the night, it is unclear to you.

However, if like the night, it is unclear to you, and in your eyes, he is merely a thief, then the victim may not be saved at the cost of the aggressor's life.

We may only kill the aggressor if we are certain he comes with an intention to kill.

When the burglar's intent is not clear, it is forbidden to kill him. The least severe treatment of the aggressor, needed to prevent his harmful action, is recommended.

This concept tells us that the law of pursuit can be invoked to eliminate a pursuer only when loss of life is a virtual certainty. Therefore, therapeutic abortion is very limited to only that particular situation.

לְעוֹלָם אַל יוֹצִיא אָדָם דְּבָר מְגוֹנָה מִפִּיו

One should not utter a gross expression with his mouth.

In Gen 7:2, Noah's animals were called "that are not clean", rather than 'tomei' "unclean", causing the addition of 8 letters to the Torah to avoid a gross expression.

Rav Elchanian Wasserman - The Torah designates categories of forbidden food using that same word, "tamei", why can it be used to describe Noah's animals as well? Because regarding Noah's animals, it was simply a description. Here, it is halachah and no misunderstanding is permitted as to which animals are prohibited. Here, a gross expression is permitted.

לְעוֹלָם יִסְפָּר אָדָם בְּלִשׁוֹן נִקְיָה

It is important to speak in a refined manner.

Speaking in a refined manner is recommended.

Speaking concisely, using less words is recommended.

Conciseness is preferable but only when clarity will not be compromised.

A teacher should teach in a succinct fashion. However, the student is under no such constraint and may express himself in a lengthy fashion if he needs to (see BT Chullin 66).

4-Pesachim 3a3 line 39 B23

Genesis 7:8

also see Deut 23:11

וְאֹמֵר,, וְדַעַת שְׂפָתַי בְּרוּר מִלָּלוֹ׃

And it says, “My lips express refined knowledge.”

A person should never emit a coarse expression from his mouth.

Genesis 7:8 uses the terms kosher and non-kosher in referring to animals entering Noah’s Ark. It did not use the term kosher and tref.

4-Pesachim 3a3 line 39 B23

Deut 23:11

also see Gen 7:8

וְאֹמֵר „וְדַעַת שְׂפָתַי בְּרוּר מִלָּלוֹ”

And it says, “My lips express refined knowledge.”

A person should always use refined speech.

Example: (Deut. 23:11) “If there be amongst you a man who is not Tahor,” because of an incident that occurred at night. This adds 10 letters to the Torah.

The Torah is willing to add 10 letters in order to use more refined speech.

לְעוֹלָם יִשְׁנָה אָדָם לְתַלְמִידוֹ דְּרַךְ קְצָרָה

One should always teach his pupils in concise terms.

Rambam - A teacher's words should be few and full of meaning.

Rav J B Soloveitchik - As exemplified by Rashi, Rambam, the Vilna Gaon and Rav Chaim of Brisk.

Vilna Gaon - If you minimize your words, the listener can profit by laboring to establish what you mean.

Rav Moses M Yosher - The Vilna Gaon wrote briefly, (when possible) adhere to the rule (Gittin 60b) “not to write down the oral law” except to avoid its being forgotten by the people.

וּמְצְאוּ בוֹ שְׂמִיץ פְּסוּל

And they found in him some disqualifying flaw.

This section is quoted in the discussion as to whether the kashrus (authenticity) of a conversion should be questioned.

Yevamos 46b - A convert whom we know had a gentile origin must provide evidence (witnesses) of a valid conversion. However, if we do not know his prior status, he should be accepted, since he has a ‘migo’ and could have claimed he was a natural born Jew.

Pesachim 30 - Gives us two cases where a presumption of invalidity occurred:

1. Where a Kohen described a portion of show bread as the “size of a lizard’s tail”.
2. When a person is described who asked to eat from the fat part of the Pascal lamb tail (which is entirely burned).

Such comments raised questions as to the authenticity of the person as a Jew and as a Kohen. Their authenticity failed upon investigation.

זְרִיזִין מִקְדִּימִין לְמִצְוֹת

The diligent go early to perform Mitzvahs.

That is why we should search at the first opportunity – at night.

However, in Gen 22:3, it is written that, “Abraham arose early in the morning.”
He did not start out at night.

We do the search at night because that is when:

1. A candle light is most effective.
2. People are found in their homes.

מְזוּזָה חוֹבֵת הַדֶּלֶת הִיא

The tenant has the obligation to affix the mezuzah.

Who has the obligation to place a mezuzah on the door post of the house, the owner or the tenant?

The mezuzah offers protection to the person living in the house, therefore, the tenant should place it.

Rashi - Read: 'Al mezuzos baysechah', on the doorpost of your house, instead read as, 'biohsechah', your coming in.

Implying that the person who is actually coming in (to live in the home) is required to place the mezuzah, not the absentee landlord.

Daf Digest

לֹא לִפְתּוֹחַ בְּעֵידֻנְיָהּ

He should not begin his appointed session of study.

Learning or searching for chometz – which comes first?

A Torah Scholar should not begin his appointed session of study for that evening until he has first searched for chometz.

Abaye - A Torah scholar should not begin his regular learning session on the eve of the 13th of Nissan, if he will be drawn into his learning and forget to search.

Rabbeinu Yonah, Tur - If he began to learn, he must interrupt.

Baal HaTanya - No learning should be done for at least ½ hour before ‘bedikas chometz’, searching for chometz.

Exodus 12:19

Exodus 12:15

שִׁבְעַת יָמִים שְׂאֹר לֹא יִמָּצָא בְּבֵיתְכֶם

For a seven day period, leaven should not be found in your homes.

But on the first day you shall eliminate leaven from your homes. (Ex. 12:19)

-This second posuk indicates that during the first day, before it is destroyed, leaven may be found in your home. How can we reconcile these two psukim? (See 5a)

-The first posuk means, the first month, Nissan, on the evening of the 14th day, you shall eat matzahs.

Since you cannot slaughter the Pesach offering while there is still chometz in your home and slaughter must be done erev Pesach, the chometz must already be gone.

The Gemara debates the meaning of the word 'first' in these psukim.

The word, 'rishon', 'first' can mean, the first day or the preceding day, both interpretations suggest the day before Pesach begins.

וְעַדִּיין אָני אומר בְּבָתִּים

But I can still say, “in the homes.”

There is a prohibition of owning chometz on Pesach.

What if you own shares in a company that has chometz in its possession?

As a shareholder, you have a right to vote and share in the profits and losses.

You are a part owner of the company and should sell those shares with the rest of your chometz.

שְׁלֶךְ אֵי אַתָּה רוֹאֶה אֲבָל אַתָּה רוֹאֶה שֶׁל אֲחֵרִים

Your own (chometz) you don't see, but you do see the (chometz) of others and of the most High.

It is permissible to have chometz in your possession which is not yours.
It belongs to others or is consecrated for use by the Temple.

Rav Nachman of Kossov - It is human nature for you not to see the chometz (sins) you possess, but to readily see the sins of others. When something untoward occurs to you, you may not see it is a defect in you, but as a defect in Divine Providence.

נְבִירֵי שְׂנֵבִיט לַחֲצִירוֹ שֶׁל יִשְׂרָאֵל וּבְצִיקוֹ בְּיָדוֹ

A gentile enters the courtyard of a Jew with chometz in his hand.

On Pesach a neighbor enters your house eating a sandwich. Must we eject the neighbor from our home?

What violations are you guilty of?

1. “Chometz should not be seen by you” (Shemos 13:7) .
2. If you store the chometz of a non-Jew in your home, you should build a barrier 10 tefachim (38 inches) high to remind you not to eat this forbidden food.

The Torah prohibits the possession of chometz, not the mere viewing of it. The prohibition of the presence of chometz in your home is “by you”, meaning it is forbidden only if you own it. It is not forbidden if the chometz is not owned by you and belongs to a non-Jew.

Since the neighbor has complete control of the sandwich, you do not have to build a barrier around it to protect yourself from eating it, as would be the case if chometz of a non-Jew had been stored in your home.

זאת אומרת אין מוקדם ומאוחר בתורה

There is no chronological order to the paragraphs of the Torah.

Mishle 5:6 - “Her courses wander, you cannot know if HaShem took the paragraphs of the Torah and moved them about.”

One of the benefits of this is to prevent a person who is called to the Torah to feel less important than someone who was called before him. Since the paragraphs are not in order, he might be actually reading from an earlier and more important portion than the aliyah before him.

אִי גֵימָא מְשוּם פִּירוּרִין הָא לֹא חֲשִׁיבִי

Because crumbs are insignificant.

The rule that we are not to see or find chometz, relates to a volume of an olive, 'a kezayis' sized volume.

Crumbs that are less than a kezayis or that are dirty, need not be searched for or destroyed.

Some say there is no need to search Seforim (books) for chometz, since the volume will be so small.

הַמְקַדֵּשׁ מִשֵּׁשׁ שָׁעוֹת וְלִמְעַלָּה

He betroths a woman with chometz after the sixth hour.

If a groom uses prohibited chometz to fulfill the requirement of giving a woman an item of value as an engagement gift for kiddushin, the kiddushin is null and void.

If the chometz is prohibited by a Torah rule, the kiddushin is certainly null and void. It is null and void even if the chometz is prohibited by the Rabbinical dictate only, i.e., during the 6th hour of Erev Pesach and later. According to Tosofos, this means after the 6th hour and onward. The Rabbi's include the entire 6th hour and can nullify the kiddushin. After all, the chometz really does have a value. However, even though the groom says the kiddushin is valid because it is according to the "law of Moses and Israel", the Rabbis use their authority to declare that, "...an item that cannot be used or sold really is worthless and nothing of value has been given". Therefore, the kiddushin is ineffective.

כָּל הַמִּצְוֹת מְבָרַךְ עֲלֵיהֶן עוֹבֵר לַעֲשׂוֹתָן

Regarding all mitzvahs, we make their blessings prior to their performance.

Regarding all mitzvahs, we make their blessings prior to their performance, except for the mitzvahs of mikvah and washing hands. This is because we may not be fit to say a blessing until after we have washed.

One should complete the bracha on hand washing while his hands are still, at least somewhat, wet.

Until one's hands are completely dry, it is still considered as the process of washing. The goal of washing is to purify his hands to eat bread. If his hands are still wet when he takes the bread, he is eating "impure" bread.

כָּל הַמִּצְוֹת מְבָרַךְ עֲלֵיהֶן עוֹבֵר לַעֲשׂוֹתָן

Regarding all mitzvahs, we make their blessings prior to their performance.

Except for the bracha for immersion in a Mikvah; this bracha is made after the performance of the mitzvah, because prior to the performance of the mitzvah, the person may not be fit to make the bracha. The person may be impure, i.e., having had a seminal emission, menstruation or child birth, etc.

We derive from this the custom of saying the bracha on washing one's hands after washing and drying them. Since before that, he may not be fit to say the bracha.

הָאוֹמֵר סֵלַע זֶה לְצַדִּיקָה בְּשִׁבִיל שְׂיָחִיָּה בְּנֵי

If a person gives charity and declares it is given in order that his son will live,

If a person gives charity and declares it is given in order that his son will live, he is a perfectly righteous person.

Avos 1:3 - You are not to serve the Master on condition of receiving a reward.

How then can the Gemara consider one who announces that he gives this charity on condition that it earn him a specific reward, to be a perfectly righteous person?

Chida - The person has already given his full quota of charity and is now giving extra for the sake of a specific reward. This is considered a virtuous motive.

Devarim 16:20 - “Righteousness shall you pursue so that you will live and take possession of the land.” If you add an element of mitzvah beyond the minimum, you may request “that you live” or that “you inherit the land.”

הָאוֹמֵר סֵלַע זֶה לְצַדִּיקָה בְּשִׁבּוּל שְׂיַחְיָהּ בְּנֵי

If a person gives charity and declares it is given in order that his son will live.

Tosofos - He is righteous if the desired reward is not forthcoming, he will have no regrets about having given the charity.

Pirkei Avos 1:3 - Do not perform a Mitzvah for an ulterior motive.

Taanis 9a - A person may test HaShem's promise of reward when it comes to charity.

Devarim 6:16 - You must not test HaShem, your God.

Malachi 3:10 - "Bring you tithes and test me with them, whether I shower you with limitless prosperity."

Though we are enjoined from expecting rewards for performing mitzvahs, it seems we may expect a reward for giving charity. Why? Because human logic cannot comprehend how giving away your assets can enrich, rather than impoverish you. God gave us this opportunity to see Divine providence in action.

הָאוֹמֵר סֵלַע זֶה לְצַדִּיקָה בְּשִׁבּוּל שְׂיַחְיָה בְּנֵי

If a person gives charity and declares it is given in order that his son will live.

Rashi - The mitzvah of giving charity with the thought to benefit himself, does not imply that his act was 'lo lishmah', (not for its own sake) if he does not regret the charitable deed should this thought of benefit not be realized. (Rosh Hashanah 4a)

שְׁלוּחֵי מִצְוָה אֵינָן נִיזוּקִין

Those sent to perform a mitzvah do not suffer harm.

This protection does not extend to situations where:

1. Harm is highly probable.
2. The person expects some reward for performing the mitzvah.
(R N.T.Y. Berlin)
3. The harm comes from another human being, since he has free will and may choose to harm the agent of the mitzvah. (Or HaChaim Ex 3:11)
4. It only extends to harm from natural causes and controlled by Heaven.

4-Pesachim 9a1 line 1 A1
Daf Digest

אֵין חוֹשְׁשִׁין שְׂמָא גִירְרָה חוֹלְדָה מִבֵּית לְבֵית

We are not concerned that a weasel might have dragged chometz from house to house.

We are not concerned that a weasel might have dragged chometz from a house that had not yet been searched to a house that had already been searched.

Unless of course, we see a situation where, in fact, chometz is reintroduced into a searched site.

Then, we would have to search and clean out again.

שְׁהֵטִילָה נֶפֶל לְבוֹר

A person cast a still born child (a nefel) into a pit.

A person cast a still born child into a pit and later, a Kohen came and leaned over the pit.

This suggests that a stillborn child does not require the mitzvah of burial. Also, that a stillborn child does not defile a Kohen who would otherwise not be able to lean over an area where a dead body was located.

In the discussion regarding the use of fetal tissue for medical research and treatment, we learn that it is forbidden to derive benefit from a corpse, but only a corpse which is required to be buried. A nefel and a non-Jewish corpse provide no mitzvah for burial and so may be used for the very laudatory purpose of preservation of life (pekuach nefesh).

Pekuach nefesh requires (choleh lefanav) a patient with a clear and immediate need and would not apply to some future and theoretical benefit that might be derived from research and experimentation.

הָא בְּשִׁלְשָׁה עָשָׂר

This Mishnah is dealing with the thirteenth of Nissan.

In Mishnah 9a, we learn that if you have inspected a corner of a room, you needn't fear that a rodent has dragged chometz to the corner you already checked. You needn't inspect it again.

However, in the next Mishnah 10b, we are told that any chometz we leave after inspection should be well hidden so it cannot be dragged away by a rodent and require you to inspect again. Do we worry about rodent intervention or not?

Abayei - The first Mishnah refers to inspection on the 13th of Nissan, 2 days before Pesach. There is plenty of chometz around and a rodent has less motivation to snatch it and store it. The second Mishnah relates to an inspection that takes place at the usual time, on the 14th of Nissan, when there is a scarcity of bread. The rodent is more likely to snatch it and hide it. Greater care on the 14th of Nissan is, therefore, required.

הָא בְּשִׁלְשָׁה עָשָׂר

This Mishnah is dealing with the thirteenth of Nissan.

On the 13th of Nissan bread is plentiful and a weasel won't bother to hide any. However, on the 14th of Nissan (erev Pesach), bread is scarce, so a weasel might hide it and by doing so make the hiding place chometzdik!

Rava - Asks, “Is a weasel a prophetess, that knows there will be no bread the next day?”

After you clean your house of chometz, any remaining chometz must be in a secure place. If you have 10 pieces of chometz and a weasel and later you find only 9 pieces of chometz, you must search again. Because certainly, the missing piece is chometz.

9b3 The mouse series:

If you have 9 piles of matzah and one of chometz and a mouse is seen carrying something, but you don't know what he is carrying, how is this dealt with? It is dealt with leniently, we follow the majority and do not require another search.

תֵּשַׁע חֲנוּיֹת בּוֹלֵן מוֹכְרֵי בֶּשֶׂר שְׁחוּטָה

A famous story:

Nine butcher shops keep kosher, the tenth does not.

A person bought meat but does not recall from which store.

-The meat is forbidden to be eaten.

A person found a package of meat on the ground equidistant to the stores and cannot determine from which store it came.

-Follow the majority, the meat may be eaten as kosher.

The rule of “follow the majority” does not apply if an item is in its place, as in the store. Such a condition of doubt is treated equally and therefore, is forbidden.

-If an item is not in its place, i.e., the package is on the ground, it is subject to the majority rule. In this situation, there are nine kosher and only one non-kosher store. Therefore, the meat is considered kosher and is permitted.

-Similarly, if a mouse took something from a pile, i.e., from its place, we rule stringently. If the mouse took a loose piece, we follow the majority and do not require another search.

Daf Digest

שְׁנֵי צִיְבוּרֵיִן אֶחָד שֶׁל מַצָּה וְאֶחָד שֶׁל חֶמֶץ

Two piles: One chometz and one matzah.

Two mice: 2 houses, 1 house searched, 1 house not yet searched.

1 piece from each pile was taken by the mice and they each enter a house.

We don't know if chometz was brought into the searched house, must we search again? The search for chometz is a Rabbinic Law. Biblical law mandates that we nullify any unknown chometz. In this situation, we don't have to search again.

We may merely nullify.

3rd case 10a1

1 pile: 1 mouse, 2 houses, both searched.

The mouse takes a piece into a house and we don't know which house. Does each owner need to do another search?

If both owners come together to ask, there is no doubt that one of the houses has chometz. Therefore, both houses must be searched.

If each owner comes and inquires separately, we are in doubt if his house has chometz. Since searching is Rabbinic law and if there is a doubt on a matter of Rabbinic law, we can be lenient. We would be lenient and no repeat search would be needed for either one of the houses!

4-Pesachim 10a2 line 16 A13
Daf Digest

סִפֵּק עַל סִפֵּק לֵא

There is a doubt whether the mouse entered the searched house or not.

There is a doubt whether the mouse went in or not. (This case is analogous to an open field.)

A mouse enters your searched house with chometz. You search your house and find some chometz and you are unsure if this is the chometz the mouse brought in.

Rabbi says - The chometz found is assumed to be the chometz that was lost.

Reb Shimon ben Gamliel - Requires the rest of the house to be searched.

סִפֵּק עַל סִפֵּק לֵא

There is a doubt whether the mouse entered the searched house or not.

We see a mouse in a courtyard with chometz in its mouth. It is unknown whether the mouse (with the chometz in its mouth) entered a house that had already been searched. Do we need to search the house again?

Is the answer not clear from our previous case? There, we do not know if the mouse entered one of the houses and that doubt permits as to rule leniently. Here too, we have doubt as to whether the mouse entered the house. We should be able to rule leniently. However, the two cases are not the same. In the first case, we know the mouse entered one of the houses. Here we question: Is everything that is enclosed in the courtyard and the courtyard itself, to be viewed as a single entity? If so, just as the courtyard must be searched, so too, must the house be searched again.

R Elizar ruled leniently. Search the courtyard and not the house.

לֹא בִדְק אֹר אַרְבָּעָה עָשָׂר ?בִּדּוֹק בְּאַרְבָּעָה עָשָׂר

If one did not do the search on the night of the 14th, he may do it on the morning of the 14th.

If one did not do the search on the night of the 14th, he may do it on the morning of the 14th, even up to the end of the 6th hour. If he did not search until the 6th hour, he should search after the 6th hour, even until dark, i.e., even on Yom Tov. Since whenever you are liable for ‘not to see and not to find’, it is an additional sin to possess chometz.

All this could have been avoided by the “nullification declaration”, since even if some chometz is found, it is considered null and void.

However, if one did a good bedikah (search), but forgot to check a particular place, i.e., his car, or basement, he may check on Chol HaMoed, but not on Yom Tov.

מֵאֵי טַעֲמָא דְרַבִּי יְהוּדָה

What is the reason for R. Yehudah?

4th hour -Eating permitted

5th hour -Eating suspended.

6th hour -Chometz is burned.

4 prohibitions regarding chometz:

- 1 - Not to see it - negative commandment
- 2 - Not to find it - negative commandment
- 3 - To eliminate all chometz from one's possession – positive commandment
- 4 - Bava Kamma 98b- prohibition to derive benefit – applies also to a minor, even though he is not liable for 1 or 2, his chometz needs to be destroyed also.

Example: A person goes to Israel on Pesach and there is a difference of a day before Pesach is over in America. He should not re-acquire his chometz until Pesach is completely over in America, since he should not derive any benefit from it.

Reb Moshe Feinstein

Rabbi Meir says :

Discussion regarding: Until which hour we may eat chometz? For the entire fifth hour and should burn it at the beginning of the 6th hour.

<u>Rabbi</u>	<u>Eat</u>	<u>Leave</u>	<u>Burn</u>
<u>R' Meir</u>	<u>entire 5th hr</u>		<u>beginning 6th hour</u>
<u>R' Yehudah</u>	<u>entire 4th hr</u>	<u>the 5th (and is still</u>	<u>burn the 6th hour</u>
		<u>available for benefit</u>	
<u>Rabbam</u>		<u>R' Nachman)</u>	
<u>Gamilel</u>	<u>non-sacred chometz</u>		<u>must burn all</u>
	<u>may be eaten the</u>		<u>chometz at the</u>
	<u>entire 4th hr</u>		<u>beginning of the 6th hr</u>

רַבִּי מֵאִיר אֹמֵר

Rabbi Meir says:

Re: Testimony

A person can make an error of 1 day and state that the second of the month is the 3rd day of the month, if he is not aware of the intercalation of a day in the month.

A two days difference may be testified to and still be honest.

In regards to hours, how much leeway is given to testimony?

What really is human nature in this regard? Can he be mistaken by ½ hour, 1 hour, 2 hours, but less than 3 hours?

אָחַד אֹמֵר בְּשָׁנִים בַּחֹדֶשׁ וְאֶחָד אֹמֵר בְּשִׁלְשָׁה

If one witness testified that the incident occurred on the second of the month and the other witness testified that the incident occurred on the third of the month, both of their testimony is valid.

It is possible that one of the witnesses was aware of the adjustment to the calendar and the other was not. However, the court must not assume anything when testimony of two witnesses is not consistent. The case is a ‘safek’, an uncertainty, at best.

Ask the witnesses to clarify the incongruity.

However, if they are not available, we automatically accept their testimony as valid.

The calculation of the new month is something that may cause people to err, and in the case before us, both witnesses reported the event as having occurred on the same day of the week. We, therefore, ascribe the incongruity, to confusion regarding the new month and not to dishonest witnesses.

הִיוּ בּוֹדְקִין אוֹתוֹ בְּשִׁבְעַת הַקִּירוֹת

When we examine witnesses, we ask 7 standard questions.

1. In which 7 year period, i.e., Shemita cycle, did you see this crime?
2. In which year of that cycle?
3. In which month?
4. On which day of the month?
5. On which day of the week?
6. In which hour?
7. In which place?

If a person errs and is refuted by hazamah, he could actually be put to death instead of the person he is testifying against. That's why we want to decide how much a person might be inaccurate and still be telling the truth or be lying. Such a range will also tell us the deadline to permit people to eat chometz on erev Pesach.

Daf Digest

Tumah is physically not discernible from other non-tumah items. It is merely a ritual contamination that affects persons, articles, foods and beverages.

Tumah comes from organic bodies. For example:

- Dead animals.
- Dead humans.
- Humans with certain bodily irregularities.

A source which produces tumah is called an Av HaTumah, i.e., a neveilah, carcass, (an animal that died not by ritual slaughter i.e., a dead sheretz) (one of the 8 species of creeping creatures listed in Lev 11:29-30).

A person who is a

1. Zav - had a seminal emission within the past 3 days.
2. Zavah - a woman who after 7 days of niddah, still has some menses-like bleeding.
3. Metzora – tzoraas (erroneously considered leprosy).
4. Woman after childbirth.

הַלְכָה פְּרָבִי יְהוּדָה

R Nachman said in the name of Rav : The halacha follows R Yehuda who ruled (Mishnah 11b) that the fourth hour is the final time for eating chometz.

When does the day begin? All agree that the day should be divided into twelve equal parts.

Trumas HaDeshen and Magen Avraham - Rule that the day begins at dawn (alos haShachar) and continues until the stars come out (tzeis hakochovim).

L'vush and the Vilna Gaon (Gra), R. Moshe Feinstein and the Baal HaTanya – Calculate from sunrise to sunset.

This is known as the controversy between the Gra and the Magen Avraham.

This influences the time when Krias Shema is required to be recited. We follow the Gra and when chametz may be eaten, until the third of the day (4 halachic hours) calculated by the Magen Avraham.

Daf Digest

שֵׁאִין אֵלֵיהוּ בָּא לֹא בְעֶרְבֵי שַׁבָּתוֹת וְלֹא בְעֶרְבֵי יָמִים טוֹבִים

Elijah will not come on the eve of the Sabbath or Yom Tov.

If eruv Pesach, the 14th, falls on Shabbos, we get rid of all of the chometz before Shabbos, except enough food for 2 meals and enough to eat through the first 4 hours of the day. Any tohor terumah should not be burned, because perhaps someone will be found who can eat it, i.e., a Kohen will arrive.

However, we know that can't happen because the walls to the city are closed and all guests are already inside.

Perhaps they slept outside?

That is so far fetched you should also consider that perhaps Eliyahu will come and make the terumah permissible to be eaten.

That, too, is far fetched, because we all know Eliyahu won't come on Erev Shabbos or erev Yom Tov because the Jews are busy preparing for Shabbos or Yom Tov.

We see that Shabbos, even the preparations for Shabbos, are so important they push off even the coming of Moshiach!

מַעֲשֵׂה בְּאָדָם אֶחָד שֶׁהִפְקִיד דִּי־סִקְיָא מִלְּאָה חֶמֶץ אֵצֶל יוֹחָנָן חֲקוּקָא

(A man came to the sage Rebbe, with a problem.)

A Jew had left chometz with him and it was the day before Pesach.

The man was advised to sell the chometz in the marketplace during the fifth hour of the day. This would give the owner an opportunity to retrieve his goods or, if the goods were bought by a Jew, it could be eaten during the fifth hour of the day.

R. Yehudah – Chometz may be eaten until the end of the 6th hour.

Sages - Banned eating chometz from the end of the 4th hour.

R Meir - Even by applying Rabbinic law, it is only in the 6th hour that chometz is forbidden.

Abayei - Why did Rebbe not suggest that the man buy the chometz himself and eat it, rather than trouble himself to sell it in the market place?

R. Yosef - It would have been improper for him to buy it himself. It might arouse suspicion that he fixed a low price, so as to personally benefit.

פּוֹרְטִין לְאַחֲרִים וְאִין פּוֹרְטִין לְעַצְמָן

They must change them with others and not change them themselves.

Administrators of charity are prohibited from changing the money, in this case, from copper coins which tarnish, to silver coins that they own, “and you shall be guiltless towards the Lord and toward Israel (Num 32:22).

Those who administer charity must avoid even the suspicion of impropriety.

חָרֵב הָרִי הוּא פְּחָלֵל

Tumah-Sugya of R. Chanina Sgan HaKoharim

Mishnah #5 of Chapter 1 Pesachim
Discusses tumah.

How to dispose of chometz that is terumah.

It must be safeguarded against tumah (Numbers 18:8).

“Behold, I have given you the safeguard of my terumah,” i.e., a safeguard for you. Your sustenance, etc., instead, it is interpreted that we must safeguard and protect, the terumah grain so it does not become tamei.

So we must not let it touch. or even be buried with, other chometz that might be tamei.

חָרֵב הָרִי הוּא פְּחָלָל

A sword is like a corpse in regards to its level of tumah.

Rashi - A metal implement that touches a dead body acquires the same degree of tumah as the body itself.

Rambam - Limits the tumah to the implement itself.

Tosofos - Argues that the tumah of the implement causes anything under the same roof to be tamei.

The practical question is: May a Kohen or others visit a museum that has metal implements which were used in battle and came in direct contact with dead bodies?

Rama and other Poskim state that the custom is to be lenient.

„וְכָל-כְּלִי-חֶרֶשׁ אֲשֶׁר-יִפֹּל מֵהֶם וְגו' „

If one of them (a dead sheretz) falls into the interior of any earthenware
utensil, the utensil is impure.

An earthenware vessel only becomes impure when something impure enters its interior space. A metal vessel becomes impure even if its outside is touched by something impure. Why this difference?

An earthenware jug is made of earth which has no intrinsic value. Its only significance is the inside space it surrounds which can hold something else. If its outside is touched, it is as if nothing has happened. Only the inside is significant.

A metal jug has intrinsic value from the material itself and can, therefore, become impure when it's outside is touched. Man is made from the dust of the earth. He, too, only has value when he fashions himself into a vessel that can receive Torah, mitzvahs and good deeds. Only then does he increase his value and realize his purpose.

הַכֵּלִי מִצָּרֶף אֶת מַה שֶּׁבְּתוֹכוֹ לְקוֹדֵשׁ

Everything in the utensil is considered attached and is holy.

How can a Rebbe influence the spirituality of a large number of chassidim?

- For some, hearing his ideas is sufficient.
- Others need to be in the same room with him.
- Others suffice with indirect contact.
- Others need direct and constant contact in order to be influenced by their Rebbe.

This is the idea of our Gemara, everything in the utensil is automatically considered attached and is holy.

„וּלְפָנַי עֵוֶר לֹא תִתֵּן מִכְשָׁל׃׃

You shall not place a stumbling block before a blind person (Lev 19:14).

The rabbis interpret this verse to prohibit moral stumbling blocks, as well as physical ones.

This verse is used in the discussion regarding assisted suicide.

Suicide is prohibited. Aiding suicide, even if the aide merely hands an overdose of medication to the patient or sets up a machine so that the patient alone administers the lethal substance, is also prohibited. If the aide misleads the patient, or worse, makes it possible for the patient to do what is forbidden, he has violated the Biblical law.

Bleich 4:97- Considered to pertain to any counsel or facilitation of an act that is not in the individual's best interest

4-Pesachim 22b1 line 9 B2
responsa 1991-2000 p784

„וּלְפָנַי עֵוֶר לֹא תִתֵּן מִכְשָׁלִי“

You shall not place a stumbling block before a blind person (Lev 19:14).

This verse is also referred to in the discussion regarding the discipline of a child.

A child is required to honor his parents. However, striking a child might induce the child to fight back, even in defense, which could cause a bruise or bleeding to the parent. A child causing a bruise to a parent is punishable by death. Such conflicts could produce a “stumbling block” in the way of children fulfilling their commandment to honor their parents.

Rambam (Laws of Rebels 6:8-9) – A parent should not place harsh demands on their children, so as not to create an obstacle to the child’s ability to honor them.

„וּלְפָנַי עֵוֶר לֹא תִתֵּן מִכֶּשֶׁל׃“

You shall not place a stumbling block before a blind person.

Discusses how to dispose of chometz after the 6th hour of erev Pesach.

You may not derive benefit from the chometz. May you gift it to a non-Jew or sell the chometz to an idolater (Deut. 14:21)? Yes, it is permissible. However, the fact that this rule is so specific, it is used to exclude the gifting or selling of other prohibited foods to non-Jews.

Can one give a limb taken from a living animal to a non-Jew? No, it is not permitted (Deut. 12:23). Even non-Jews are prohibited by the Noachide laws from eating it. Therefore, don't put an enticement, (stumbling block), before (a blind) person.

Do not cause a morally blind person to stumble by giving him the means or opportunity to commit a sin.

Is it permissible to offer a Nazir a cup of wine? No, it is not permitted.

„וְלִפְנֵי עֵוֶר לֹא תִתֵּן מְכֻשָׁל׃“

You shall not place a stumbling block before a blind person.

Other examples:

Is it permissible to establish a youth minyon to teach people to pray when the distances they live from the shul would require them to drive?

-Reb Moshe Feinstein – Not permissible.

A Jew cannot give a cup of wine to a Nazir, however if the wine was available anyway, from a non-Jew, the Jew is not serving as a stumbling block.

A Hebrew teacher hired to teach a bar mitzvah boy, who knows that invitations will be sent to Jews who will be enticed to travel to the bar mitzvah, should decline.

Even though he may claim others will step in to do it, therefore he is no stumbling block. However, the others would be Jews also, and none are permitted to create the stumbling block.

-Inviting guests to one's home on Shabbos, whom you know will drive.

-Counseling a person in a manner not serving his best interests.

-If you intend to advance a person's spiritual well being, you have some leeway.

„וּלְפָנַי עֵוֶר לֹא תִתֵּן מִכְשָׁל׃“

You shall not place a stumbling block before a blind person (Lev 19:14).

- Suicide is a sin. Assisted suicide is not permitted .
Helping a person do a sin is a violation of placing a stumbling block.
- Must avoid a physical stumbling block
a moral stumbling block
or intellectual stumbling block
or an educational stumbling block.
- Parents are advised not to make demands on their children which are so onerous as to literally force them to rebel or fail to obey, thereby violating ‘honor your father and mother’. That is inducing them to sin.
- It is not wrong to notify authorities of abusive parents, even if it results in the child being taken and placed in a non-Jewish home. It is pekuach nefesh. You are not causing the child to sin or be impaired culturally. You are saving his/her life.

וְלִפְנֵי עֵוֶר לֹא תִתֵּן מִכְשָׁל׃

You shall not place a stumbling block before a blind person (Lev 19:14).

Can you cause a “stumble” over a minor sin to prevent a much greater sin?

Can you advise a person to commit one sin to preclude him from doing multiple transgressions?

-A case of a newly observant young man who wanted to invite his parents to his home for Shabbos with the hopeful anticipation that their enjoyment of Shabbos would, over time, lead them to become observant. Rabbi Sternbuch responded, that it is not a stumbling block if the advice given is for an individual's best interests and not in order to do damage or harm. Any act intended to yield ultimate benefit is not a stumbling block. The intention to benefit is exculpatory.

Also, you can solve the problem by offering the person you invite, a place to stay for Shabbos, even though you believe it will not be accepted. Even when you know they will drive, since you have made the offer, there is no stumbling block.

4-Pesachim 22b3 line 37 A19
Weinbach p108

הָיָה דוֹרֵשׁ כָּל אֶתִים שְׁבִתוֹרָה

He would expound every 'ES' in the Torah.

Shimon the Amsonite- Interpreted every 'ES' in the Torah to include something not explicitly mentioned. However, he could find no item to include to explain the 'ES' in the phrase (Devarim 10:20), "you shall fear HaShem, your God."

The intention of Shimon the Amsonite was to honor HaShem by demonstrating that there was not a single superfluous word in the Torah. Here, by not including anything else in the fear of God, his goal was also to honor HaShem.

R' Akiva - Did interpret the 'ES' to include in the fear of God, "the fear of Torah scholars". Not fear of retribution, but from the view of respect. Respect for Torah scholars is a tribute to them and an honor to HaShem.

לְרַבּוֹת תְּלִמְיָדֵי חֻכְמִים

To include Torah Scholars.

Shimon the Amsonite was unable to explain the ‘ES’ in ‘you shall fear ES the Lord your God’, so he was willing to state that all the other interpretations he had devised to explain all the other word ‘ES’ must be mistaken and he was willing to withdraw them. Until Rabbi Akiva explained that “the ES” is to also include Torah Scholars.”

R Mordechai Gifter – R Akiva saw this great scholar, Shimon the Amsonite, willing to retract all the numerous midrashic interpretations he had compiled over the years, because he could not, in all honesty, fit this ‘ES’ into his midrashic structure. R Akiva was inspired to honor him with his interpretation of “ES” and thereby, preserve all the other insights Shimon the Amsonite had devised through the years.

מְעַרְבֵין לְנָזִיר בֵּינָן וּלְיִשְׂרָאֵל בְּתֵרוּמָה

A nazir may use wine and a Yisroel may use terumah for an eruv.

How is this possible if we know that the food used for an eruv must be edible by the participant?

Rashi - Each can petition the Bais Din and be released from his condition. Then, he is able to eat/drink the material.

Tosofos - They may use wine or terumah, not because they could be released, but because the eruv is valid if anyone, not necessarily the participant, could eat it.

R. Akiva Eiger - It must be edible by the one who placed it. The food for an eruv must be a service of personal benefit for personal travel. If the travel is for a mitzvah, it is not a personal benefit. Then a nazir may use wine and a Yisroel may use terumah and we would have no objection.

כָּל אִיסוּרֵינָּ שְׁבִתוֹרָה אֵין לֹקִין עֲלֵיהֶן אֶלָּא דְרַךְ אֲכִילָתָן

All prohibited items in the Torah create liability for punishment (lashes) if they are consumed in their usual manner.

It is therefore permitted to use, for medicinal purposes, items that would otherwise be forbidden. Only eating them would be forbidden.

The only exception would be non-kosher wine. One should not derive any benefit from non-kosher wine in a usual manner.

4-Pesachim 24b3 line 25 B21
Daf Digest

וְאַנְשֵׁי-קֹדֶשׁ תְּהִיֶּינּוּ לִי”

And a Holy people you will be.

Note, it is not written ‘tehiyu’, “you should be”, but it is written, ‘tehiyun’, “you will be”.

By sanctifying yourselves, you will rise to a level where no impurity can come in contact with you.

וְאִם נֶאֱמַר „בְּכָל-מְאֹדְךָ” לָמָּה נֶאֱמַר „בְּכָל-נַפְשְׁךָ”

And if it stated, all your resources, why did it mention with all your soul?

“You shall love HaShem your God with all your soul and with all your resources.”

If it said your soul (life) why did it have to say and with all your resources, i.e., money?

It is stated for those for whom money is more important than their life!!

That which is most important to you, you should be ready to give up for the love of God, i.e., ready to give up, rather than dishonor Him.

וְאִם נֶאֱמַר „בְּכָל-מְאֹדְךָ” לָמָּה נֶאֱמַר „בְּכָל-נַפְשְׁךָ”

And if it stated, all your resources, why did it mention with all your soul?

Devarim 6:5 “Love HaShem with all your heart, all your soul, and all your might.”

The words “all your might” means all your possessions.

This sentence appears in the first paragraph of the Shema.

Devarim 11:13 – “Love HaShem with all your heart and all your soul.”

This sentence appears in the second paragraph of the Shema.

Why would the Torah mention ‘all your possessions’, if it has already indicated that life itself must be sacrificed. It is obvious that one must sacrifice his money as well.

Why is it deleted from the second sentence?

The first paragraph is written in the singular. There are some people for whom their possessions are supremely important. The second paragraph is plural for a community. There is no community that would be so perverted as to choose love of possessions, that they must be reminded to sacrifice even that, for their faith.

**בְּכֹל מִתְרַפְּאִין חוּץ מִעֲבוּדָה זָרָה וְגִילּוּי עֲרִיּוֹת
וְשִׁפְכוֹת דָּמִים**

A person may be healed with anything, except a cure that involves idol worship, illicit relations or murder.

This phrase is quoted in the discussion regarding the use of scientific data obtained by morally repugnant, cruel or inhumane methods, as by German scientists during the Holocaust. Experiments regarding the effect of poison gas, hypothermia, starvation etc., as well as the syphilis experiment on the Tuskegee airmen, are examples.

The New England Journal of Medicine decided that illicitly obtained information would not be recognized or published. The research is not reproducible, it may be shoddy research and unreliable. We must not reward those who do such things, to send a message to scientists, that such behavior will not be published.

Hizkiyahu suppressed a certain medical work because it advocated methods of healing that the Torah does not permit and the sages agreed with Hizkiyahu's decision.

בְּכֹל מִתְרַפְּאִין חוּץ מֵעֲבוּדָה זָרָה וְגִילּוּי עֲרִיּוֹת וְשִׁפְיֹכוֹת דָּמִים

A person may be healed with anything, except a cure that involves idol worship, illicit relations or murder.

These three cardinal sins are expanded to include their accessories:

- Idolatry – deriving any benefit is an accessory.
- Illicit relations – having any physical contact, i.e., even hugging, kissing or shaking hands with a forbidden relation is an accessory to illicit relations.
- Murder – even embarrassing a person in public is considered as an accessory to murder.

R. Moshe Feinstein – Prohibits shaking hands with women.

Parents are permitted to hug and kiss their children.

The thought that because a woman might be a niddah is the only reason for not shaking hands, is hereby expanded into an accessory to illicit relations, making it especially, a practice to be avoided.

זֵיל קְטִילִיהָ לְפָלְגֵיָא

The governor of my town said to me, “Go kill so and so or I will kill you.”

Rabbah said, “Let him kill you and you do not kill anyone.” What do you see that allows you to assume that your blood is redder than that of your victim?

זֵיל קְטִילִיהָ לְפָלְגִיא

The governor of my town said to me, “Go kill so and so or I will kill you.”

The Nazi’s surrounded a portion of a town and demanded that one of the residents be delivered to them for execution or they will kill everyone. If the person the Nazi’s designated is guilty of a capital crime, he may be turned over. However, if he is not guilty of a capital crime, he may not be turned over and all the inhabitants should be ready to die. (Rambam Hil Yesodei HaTorah 5:5)

Rava - “You may not turn him over, who says your blood is more red than his?”
However, if the person is not turned over, he will be killed anyway, and with many others dying as well. Is this preferable?

Handing a person over to be killed, even if he is destined to be killed anyway, is considered an act of murder. It is forbidden, even for the purpose of saving the life of an entire group.

זֵיל קְטִילִיָּהּ לְפָלְגֵיָא

The governor of my town said to me, “Go kill so and so or I will kill you.”

When Rambam explains that a specifically named individual may be turned over to gentile authorities if he is guilty of a capital crime. However, we must ask, “on the basis of whose laws would the person be considered guilty of the crime?”

R Saul Israel - The Bet Din acts as if it were endowed with the authority of a Jewish monarch, rather than as an agent of a gentile King.

Maharam Halavvah and Ritva - Recognize the authority of gentile courts to enforce the death penalty upon Jews.

Meiri - Limits the gentile courts to impose death sentences on Jews, only for crimes which carry the death penalty under Jewish law.

Rabbeinu Asher, Rema - Deny the right of gentile courts to impose the death sentence on Jews.

4-Pesachim 25b1 line 13 B14
Responsa 1980-1990 p577

זֵיל קְטִילִיָּה לְפָלְנִיָּא

The governor of my town said to me, “Go kill so and so or I will kill you.”

Is your blood more red than your brother?

This suggests that the Talmud considers every human being of equal value and entitled to being saved. It appears that no selection process is justifiable to decide who should receive a scarce medical treatment. Each person has an equal claim upon it. However, this is not so. Physicians are to evaluate who will be more likely to benefit. We should also invoke the principles of effectiveness and fairness in the decision making process.

הַנְּאִיָּה הַבָּאָה לוֹ לְאָדָם בְּעַל כְּרָחוּ

A benefit that comes to a person independent of his will.

May a person walk past a bakery on Pesach and enjoy the smell of fresh bread baking?

There are 4 situations of a benefit that comes to a person independent of his will:

1. He could avoid -but intends to receive the benefit -not permissible.
2. He cannot avoid-but intends to receive the benefit – is permitted.
3. He cannot avoid-and does not intend to receive the benefit – is permitted.
4. He could avoid -but does not intend to receive the benefit-is permitted.

The Torah does not hold a person liable for what happens to him as a result of unavoidable circumstance. Because the unintended benefit is incidental to the permitted activity and not easily avoided, it is considered as having occurred on its own, a ‘davar sheain mitkavein’ - an unintended occurrence, such as pulling a chair on a lawn on Shabbos and creating furrows. (BT Shabbos 22a)

קול ומראה וריח אין בהן משום מעילה

Sounds, appearance and aroma are not subject to meilah.

In addition we know that to get benefit from consecrated objects is not permitted. It is called 'meilah'.

However, sound, appearance and aroma are not subject to meilah. You may receive pleasure from the sound of the Temple's musical instruments, its beautiful appearance, the aroma of its incense, but only if it is incidental and you do not intend to benefit from it.

For example, if you were practicing how to make the Temple fragrances and in so doing you smelled them, that's permissible. However, it is not permissible if you made them so that you could smell them. We should not smell chometz during Pesach, or orla fruits for the first 3 years of the trees growth, or the aroma of non-kosher food emanating from non-kosher restaurants.

To smell, hear or see and get benefit, does not carry with it the penalty of kares, but does require an 'asham meilos', a sacrifice for benefiting from consecrated objects.

(Rashi 26a2 N23)

4-Pesachim 26a2 line 23 B13

Bleich 4:358

קוֹל וּמְרִאָה וְרִיחַ אֵין בְּהֵן מִשּׁוּם מְעִילָה

Sound, appearance and aroma are not subject to meilah.

Are we allowed to listen to a radio turned on before or set with a timer to play on Shabbos? In addition, in Israel, the other problem is, that in order to do so, Jewish personnel would be in the broadcast studios.

It is forbidden for a Jew to derive benefit from a prohibited labor performed by any other Jew on Shabbos.

However, the benefit derived from the voice is not acoustic, visual or esthetic, it is knowledge or information, more intellectual than sensual. Yet, it may lead a person to do more, i.e., change the volume or the station and that is clearly prohibited.

It may be permitted in times of danger and then on a silent band, a 'gal shotek'.

That band is silent between security bulletins on Shabbos.

4-Pesachim 26a2 line 27 B27
Daf Digest

וְהִמְרִיחַ בָּהּ פֶּטוֹר אֶלָּא שְׁמַעַל

One who smells it (the incense used in the temple) is exempt from punishment, yet he has committed meilah (unauthorized use of consecrated items).

This teaches us that smells are a source of benefit and should not be enjoyed if the item itself is forbidden to be used by us.

Thus, one should not smell chometz, or walk past a bakery or a kitchen where chometz is being produced and enjoy that smell on Pesach.

4-Pesachim 27a3 line32 B5
Daf Digest

וְהִתְנִיחַ אִפְכָּא

But the opposite was taught in the Baraisa.

Shmuel reversed the opinions in the Baraisa and imparted that Rebbe taught that the loaf was prohibited, if the loaf was baked in an oven which was fueled with wood that was prohibited to be used for “benefit”. Shmuel held that the heat caused those forbidden items, orlah and kilayim, to become an integral part of the loaf.

Chachamim - Teach that the loaf was permitted. Usually, we accept the majority.

Is this case, Shmuel knew the majority was wrong, so he taught that it was the Chachamim who prohibited the loaf. Now the majority opinion would be the accepted opinion.

Berachos 27b - The Shechina departs from the Jewish people if a statement is quoted and attributed to someone other than its true author.

רַבִּי יְהוּדָה אֹמֵר אֵין בִּיעוּר וְכוּ'

R. Yehudah says the elimination of chometz can only be done by burning.

The Chachamim - Say the Torah instructs us to eliminate leaven and this means use anything to destroy it.

Gemora 12b - R Yehuda requires burning only at the time of elimination. Chometz found at other times, may be disposed of using any means.

Rashi and Tosophos agree it should be burned, but disagree regarding the 5th or 6th hour. They also disagree regarding whether the chometz must be burned after the 6th hour or whether it could be disposed of by using any other methods.

May you pour a flammable substance on your chometz before burning it? To do so would make it unfit for consumption and therefore, halachically already eliminated. Do not do this.

4-Pesachim 28a3 line 32 A20

חֶמֶץ שֶׁל נֹכְרִי שֶׁעָבַר עָלָיו הַפֶּסַח

Chometz of a gentile, after Pesach is over.

After Pesach it is permissible to eat and benefit from chometz which belonged to a non-Jew during the Pesach holiday.

The chometz of a Jew (which was not sold prior to the Pesach holiday) is forbidden for benefit after Pesach, as it is written, “leaven shall not be seen to you (note 27 Ex 13:7).

Gemorah 28b2 line 15 A3

R Yehudah says there are 3 verses that prohibit the consumption of chometz.

1. Lo yeochel chometz - (Ex 13:3) - No chometz shall be eaten (before Pesach).
2. Kol machmetzes lo socheylu - (Ex 12:20) You shall eat no leavening (after Pesach).
3. Lo sochal alav chometz- You shall not eat chometz with it (during Pesach).

4-Pesachim 30b2 line 21 A11
Responsa 1980-1990 p248

כְּבוֹלְעוֹ כֶּךָ פּוֹלְטוֹ

In the manner that it absorbs (the flavor), so does it expel it.

There is a basic principle applied to kashering utensils for Passover, as the vessel absorbs, so does it rid itself of what is absorbed.

Therefore:

- Utensils used for cooking may be kashered by boiling water.
- Glassware may be soaked in water (some say glass does not absorb and does not need any special cleansing process).
- Utensils used for broiling over an open fire must be heated until they are red hot.
- Ovens are thoroughly cleaned and then heated until they are red hot.
- A microwave oven is not really an oven, but merely a box to protect people from the harmful rays. It is recommended that the microwave be thoroughly cleaned and a bowl of water should be boiled inside the microwave, so steam can reach all parts of its interior.

4-Pesachim 30b2 line 21 A11
Weiss #244

כְּבוֹלְעוֹ כֶּךָ פּוֹלְטוֹ

In the manner that it absorbs (the flavor), so does it expel it.

As you learn, so will you forget.
Just as you gain, so may you lose.

Rambam - There is a category of Torah student called a funnel. This symbolizes a person who immediately understands everything, but later can't remember anything.

נְכָרֵי שְׁהִלּוּהָ אֶת יִשְׂרָאֵל עַל חֶמֶצוֹ

A gentile lent money to a Jew before Pesach on the assurance of the Jew's chometz.

The law is that after Pesach the chometz is permitted for benefit.

If a Jew lent money to a gentile before Pesach on assurance of the gentile's chometz, the law is, that after Pesach the chometz is forbidden for benefit.

The Jew deposited the chometz with the gentile before Pesach and when the Jew defaults, it is as though the chometz was owned by the gentile retroactively before Pesach and therefore, can be used.

In the other case the gentile deposited the chometz with the Jew and when the gentile defaults the Jew owns the chometz retroactively, i.e., before Pesach, that is forbidden and the Jew may not use it.

וְיִשְׂרָאֵל שֶׁהִלְוָה אֶת נֹכְרֵי עַל חֶמֶצוֹ

A gentile lent money to a Jew before Pesach on the assurance of the Jew's chometz. After Pesach, a person collects chometz that was used as collateral.

Abaye – The Jewish person's right to own the collateral is retroactive to the time of the default on the loan. In that case, if Pesach occurred, he owned the chometz and has violated 'lo yeraeh v lo yimatzei', "not seeing and not finding" and cannot use the chometz after Pesach.

Rava - Teaches that he gains rights in the collateral, only after he actually possesses it.

Our Tanna Kamma agrees with Rava--He gains the rights in the collateral, only from that point on.

R Meir agrees with Abaye – Retroactive to the time of the default on the loan.

Maharshal - Explains that even according to Abaye, the ownership during Pesach was only based on a doubt of not knowing whether the person would default. So we do not consider that he violated the law of, "not seeing and not finding," and do not penalize him at all.

חֲנוּת שֶׁל נְכָרִי

On Pesach, is it permissible for a Jew to work as a cashier in a store owned by a non-Jew?

Shaar Efraim - Says it is permitted if the Jew appointed someone to watch him so that he does not inadvertently eat the chometz.

Chok Yaakov - Prohibits this, since the Jew is guarding the chometz. It is as if he desires its continued existence.

R. Moshe Feinstein - Says if the Jewish worker would receive his salary even if the chometz was not in the store, he cannot be described as wanting the chometz to remain in existence. He would then be permitted to work there on Pesach.

חֶמֶץ שֶׁנִפְלָה עָלָיו מִפּוֹלָה

Chometz that has been buried when a ruin collapsed is regarded as having been removed from the owner's possession.

R. Shimon ben Gamliel - Says only if a dog is unable to search for it and find it. However, if a dog could find it, then the owner should bury it to a depth of 3 handbreaths.

R. Chisda – Agrees and says and the owner must nullify it. Nullification removes the chometz from the owner's possession. Therefore, even if it is unearthed, there will be no transgression.

Can the nullification occur in his heart (without speech) or must he articulate it verbally?

הַאֹכֵל תְּרוּמַת חֶמֶץ בְּפֶסַח בְּשׁוּגֵג

One who inadvertently eats terumah of chometz on Pesach.

1. Terumah is the portion of the crop of Eretz Yisroel that must be given to the Kohen (between 1/40th and 1/60th of the crop).
2. Once it has been separated, the terumah acquires a sanctity.

A non-Kohen is prohibited to eat terumah. If he does so, he must make restitution to the Kohen. If he does so by mistake, he must pay the principal plus 1/5th. If he does so deliberately, he pays only the principal.

Why does he pay less if he did it deliberately?

The 1/5th is an expiatory repayment to atone and is not available to a person who did it deliberately.

What if he ate terumah that was chometz?

1. If by mistake- He must pay the principal and 1/5th.

However, on Pesach, chometz has no monetary value. Therefore, it must be paid back in produce only, because it is an act of atonement for eating the terumah.

2. If deliberately-He does not pay the principle or the 1/5th. Expiation is not available to him. He is considered a thief, rather than a sinner. He stole something worthless, therefore, he pays nothing!

בְּבָלַיִם טַפְשֵׁי

מִשׁוֹם דִּיתְבִּי בְּאֶרֶץ דְּחֹשׁוּכָא אֶמְרִיתוּן שְׂמַעְתָּתָא דְּמַחְשְׁבוֹ

Those foolish Babylonian (scholars). Because they dwell in a dark land, they make dark statements.

The very air in Eretz Yisroel causes a person to be wise. Babylonian scholars lived in a country which inhibited their progress and caused them to issue unclear statements. It was considered a dark land.

Disparaging or heated arguments are inappropriate. One can deliberate with others in a calm and pleasant manner, each allowing the other to speak and not interrupting his fellow. Only after such a discussion can one offer his opinion.

Rambam - Never argue zealously against a Torah scholar.

Shulchan Aruch - A teacher may display anger to his students if he sees him conducting himself inappropriately. However, even in such a case, the teacher should not have genuine anger in his heart.

אלו דברים שאדם יוצא בהן ידי חובתו בפסח

These are the grains that one may use to fulfill his obligation on Pesach.

There is a Biblical requirement to eat matzah on the first night of Pesach (Ex 12:18), “in the first month, on the 14th day in the evening, you shall eat matzos”. At other times on Pesach there is no obligation to eat matzos only an obligation to refrain from eating chometz.

This Mishnah tells us what type of matzoh fulfills the requirement.

- Wheat
- Barley
- Spelt - a species of wheat
- Rye - a species of barley
- Oats - (“the tail of a fox”, the ear of the oat stalk resembles a foxtail)

דמאי

Also with Demai (uncertain).

What is this? This is produce obtained from an Am Haaretz who might not have separated terumah or other tithes properly. If not tithed properly, the produce is called 'tevel', not tithed, and is called 'demai', uncertain.

Therefore, if you have demai, you must first separate the tithes from it. However, if you did not separate the tithes and ate matzahs made from it, you still have fulfilled your obligation to eat matzah on the first night.

How can this be? Demai is forbidden to eat. If the fulfillment of a mitzvah (here to eat matzah) is done by doing a prohibited act, the mitzvah should be invalidated.

Answer: Demai is a category created by the Rabbis as a stringency.

Most people do tithe properly. If he renounced his ownership to all of his property, he could eat demai (as could all poor people and even traveling soldiers), so matzah made of demai would fulfill his obligation under these circumstances.

אוֹרְזוּ וְדוּמְן לֹא

Rice and millet: No.

Five grains are specified as proper to use for making matzoh. Rice and millet are not included. From this we derive the restriction on the use of legumes (kitniyot) in the Ashkenazi tradition on Passover. The restriction is based on a protective ruling (Gezeirah), due to the fact that they could be mistaken for grain:

1. They are stored like grain, in shelled or husked form.
2. They can be prepared as a cooked cereal.
3. They can be made into a bread.

Examples of legumes are peas, beans, and peanuts.

Rambam - Permits their use on Passover. They do not rise from leavening but from rancidity.

Tur - Calls it an unnecessary stringency.

R Moshe Isserles - Prohibits their use, but only if the kitniyot had become moistened.

וּבְסֵרִיקִין הַמְצוּיִרִין בְּפֶסַח

With decorated shapes etched into the matzahs.

Rema - It is prohibited to break apart a cake on Shabbos if there is any type of lettering on it, since this is considered erasing, even if it is for the purpose of eating. This is a violation of Shabbos.

Magen Avraham - It is prohibited only if the letters are formed by a different substance (icing), but if it is made of the same material as the cake, it is permitted.

וּבְסֵרִיקִין הַמְצוּיִרִין בְּפֶסַח

With decorated shapes etched into the matzos.

Serukin - Pronged instruments with which etchings are made.

This is not permitted. Why?

- It may prolong the making of the matzoh and may cause the timing to be long enough for the dough to become leavened.
- It is not permitted for an amateur, but would be permitted if it comes from a bakery. They are expert.
- It is not permitted to destroy the wording or etched picture on Shabbos. That is considered “erasing”.

Rema, Magen Avraham, Chazon Ish-This only creates a problem if the etching/writing is made using a different material, i.e., icing, but if formed from the same material as the cake, many say it is permitted.

דְּכַתִּיב,, עֶרְ(י)סַתְ(י)כֶּם"

Your doughs.

How do we know that the matzah you use, “must be yours”?

- Beside the obligation of dough it says, ‘erisosechem’, your dough. (Num. 15:20)
- Beside the obligation of Esrog it says, ‘lachem meshelcham yihiyu’, for yourselves.

We learn matzah must be owned by him from a Gezeirah Shavah.

The matzah obligation states, ‘lechem oni’ (Deut 16:3) and it is written beside the challah obligation, ‘milechem haaretz’, “and it shall be that when you eat from the bread of the land.”

Since here (Num 156:19) beside the obligation of challah, we must use only what is his, so too, beside the obligation of matzah, he can only fulfill the mitzvah only by using his own matzah.

Stolen matzah– Not permitted.

Borrowed matzah - Allowed, if owner agrees that he need not return the same item he borrowed.

Guest – Allowed, it is a gift and it all belongs to him/her.

מֵה לְהֵלֵךְ מִשְׁלָכֶם אֶף כָּאֵן מִשְׁלָכֶם

From the portion that is yours. The obligation, in this instance, also applies to something which belongs to you.

Sfas Emes - One must be careful to use matzah which belongs to him. You must have a level of ownership such that, you could sell it if you wished.

As a guest, merely receiving the owner's permission to eat from the matzah would not convey the all encompassing ownership needed. However, the common custom is not to be careful in this regard.

Mishna Brura - One cannot fulfill his obligation with stolen matzah. However, if he borrowed the matzah, with the full consent of the owner not to return the exact item borrowed, the matzah belongs entirely to him and fulfills his need to own it.

מִצְּהָה הַנֶּאֱכָלֶת לְשִׁבְעָה

Only matzah that can be eaten for seven days may be used for the Pesach obligation.

-The eating of matzah is a mitzvah only for the first night.

-Eating matzah for the subsequent seven days is an elective, not an obligation.

-The only obligation for those seven days is to not eat anything leavened.

וְאֵלוֹ יַרְקוֹת שְׂאֵדָם יוֹצֵא בְּהֵן יְדֵי חוֹבָתוֹ בְּפֶסַח

There are five species of bitter herbs and vegetables listed in the Mishnah that qualify for fulfilling the mitzvah of maror.

There are five species of grain listed in the Mishnah (35a) that qualify for the mitzvah of matzah on the first night of Pesach.

There is one interesting difference between the 5 species of bitter herbs and the 5 species of grain.

In the case of maror, we are informed that we may combine different species in order to make up the minimal amount, a kezayis. However, no mention is made that we are allowed to combine species of grains to make a kezayis of matzah.

If one swallows matzah without chewing it, he has, nonetheless, fulfilled his obligation. Since it need not be tasted, the Mishnah need not tell us the grains could be combined. However, maror may not be swallowed whole. To properly fulfill the mitzvah, we must taste the bitterness to recall our years of slavery. Since combining species might interfere with the taste, the Mishnah needs to tell us that combining is permitted.

וְאֵלוֹ יִרְקוֹת שְׂאֲדָם יוֹצֵא בְּהֵן יְדֵי חוֹבָתוֹ בְּפֶסַח

There are various vegetables that are suitable to fulfill the obligation of maror on Pesach.

The Torah commands us to eat matzah together with bitter herbs.

The volume of an olive (kezayis) is the proper amount.

מִצְוָה בַּחֲזֵרֵת

The mitzvah of maror is best fulfilled using lettuce.

Ravah - Because the word for lettuce, 'chasah' relates closely to the word 'chas', which means, 'had mercy'. This is a reference to the Divine mercy which HaShem showed us.

R Shimon ben Nachman - Explained that lettuce is preferred because it has the physical properties of the bitterness of Egypt, which began soft, as the lettuce leaves, and then became extremely hard, as in the lettuce stem.

מִצְוַת בַּחֲזָרָת

The mitzvah of maror is best fulfilled using lettuce.

The physical properties of lettuce resemble the bitterness of Egypt. It begins soft and winds up harsh.

Is it not surprising that we use maror, only after we eat the matzah?

We have tasted freedom and now we go back and remember the harsh, bitter days of servitude. This helps us appreciate that the harsh times prepared us to be molded as a people, united us, and made us devoted to HaShem.

מֵאֵי חֲזָרְתָּ חָסָא מֵאֵי חָסָא רַחֲמֵנָא עֵילּוּן

What is chasaes? It is lettuce. Because He took pity (chas) on us.

The Gemara interprets the name of the plant to be used for maror, to be associated with mercy and compassion. The concept of a bitter herb is to suggest hardship and suffering, not the grace and benevolence which HaShem displayed toward us.

Why is this appropriate?

Shem MiShmuel - Notes that at the Seder we eat matzah, the symbol of freedom, before we eat the maror, which represents the bitter suffering we endured as slaves. Once we celebrate our release from slavery with matzah, why should we digress and partake of an item which reminds us of our previous condition of suffering?

This is because, once we have achieved freedom and received the Torah and its mitzvahs, we can reflect back on our entire experience and appreciate how even the most difficult times served a purpose. In retrospect, we realize HaShem's compassion was present throughout the entire process.

אֵין שׁוֹרֵיז אֶת הַמּוֹרְסָן לְתַרְנְגוּלִים

We may not soak bran for chickens.

This Mishnah discusses the various actions which may bring about the leavening process.

We may not:

-Soak bran for chickens even for less than 18 minutes.
(Because once the leavening process starts, it will continue to completion.)

-Soak bran to take to the baths.
(for the same reason as above.)

-Chew bran.
(Saliva is considered as water and causes leavening.)

We may:

- Scald it. (The boiling water does not allow the bran to ferment.)

- Rub dry bran on the body.
(This small amount of water is not enough to cause the leavening process. Sweat is not considered water for leavening.)

Anything cooked can permissibly come in contact with water. It will not ferment.

וְשָׁמַרְתֶּם אֶת-הַמַּצּוֹת,

And you shall guard the matzahs.

Rashi - We can eat the matzah, if we inspect the matzah and see no evidence of leavening.

Rambam - Questions the above decision, since we do not have any way of knowing if the utensils used to make the matzah were free of leavening.

Rabbeinu Channel - We can only eat the matzah if we have supervised the entire process, which includes the utensils, mixing bowls and baking.

Can a supervisor of the process infuse the matzah with the necessary mitzvah intent, 'lishma', or in order to do that, must he actually make the matzah?

Rav Hai Gaon - Intent is adequate to create "lishma".

Rambam - Requires working with the dough to infuse 'lishma'.

Chasam Sofer - Says supervision is adequate from harvest until the moment the water is mixed with the flour and kneading begins. From here at least, supervision may not be enough to infuse 'lishma'.

אַבֵּל עוֹשֵׂינָן אוֹתוֹ תִּכְרִיכִין לְמֵת

However, we may use them (shrouds made of kilayim) to clothe the dead.

Once a person has died, he is no longer restricted from wearing the mixture of cloths that constitute kilayim. He is free of that prohibition.

Once a person dies, he can no longer perform the mitzvah of wearing tzitzis. He is free of this positive mitzvah.

A positive command represents an opportunity to gain and accomplish. We must not mock the dead by having our tzitzis drag on their tombstones.

The freedom from a negative commandment provides no such opportunity for gain or accomplishment, so shrouding the dead with kilayim is not considered mocking the dead.

אֵין נוֹתְנִין קֶמַח לְתוֹךְ חַרוֹסֶת

One may not add flour to charoses.

These are acts forbidden on Pesach because they could lead to the creation of chometz.

May not:

1. Add flour to charoses. Charoses contains vinegar and will quickly cause leavening if there is any water in the mix.
2. Add flour to mustard.

The Mishnah then speaks about the Pesach offering itself.

4-Pesachim 41a2 line 32 B21
Daf Yom Digest

תְּלַמּוּד לֹמֵר „בִּי אִם-עָלִי-אֵשׁ”

The Talmud teaches, “Only roasted over a fire”.

Why roasting and not boiling, etc?

Boiling adds water to the meat and causes it to swell. It fills the stomach more and is appropriate for poor people.

Roasting takes water out and shrinks the meat, but it intensifies and improves the taste. It is the meal of Kings and royalty.

Therefore, we should eat in this royal manner.

4-Pesachim 41a2 line 32 B21
Daf Digest

תְּלִמוּד לֹמֵר „בִּי אִם-עָלִי-אֵשׁ”

The Talmud teaches, “Only roasted over a fire”.

The Torah commands us to eat the meat roasted. This is the manner in which princes and kings eat their meat. This is an elegant and delicious manner to prepare one’s food. Small portions of meat roasted to increase their flavor, demonstrates that we have been promoted to the status of royalty, a Kingdom of priests and a holy people.

It also reflects that we left Egypt in a hurried fashion, with no time to boil water and wait for the meat to be cooked.