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Pesachim Daf 4

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav did not want to inform Rav Chiya explicitly that Rav’s father and mother had passed away.

Rav was the son of Rav Chiya’s brother, whose name was Aivu, and Rav was also the son of Rav Chiya’s sister whose name was Ima. Rav was the son of Rav Chiya’s half brother and also the son of Rav Chiya’s half sister. When Rav went to Eretz Yisroel, Rav Chiya queried Rav if Aivu was alive, to which Rav responded, “Is Ima alive?” Rav responded thus because he did not want to declare explicitly that Aivu had died. When Rav Chiya queried Rav if Ima was alive, Rav responded, “Is Aivu alive?” Rav Chiya thus understood from Rav’s responses that his brother Aivu and his sister Ima had passed away, so Rav Chiya instructed his attendant to remove his shoes and take his clothing after him to the bathhouse.

We learn from Rav Chiya’s actions three laws regarding mourning. Rav Chiya instructed his attendant to remove his shoes, and we learn from this that one who is in mourning is forbidden to wear shoes. We also learn that if one is in mourning based on a delayed report, he is only obligated to mourn for one day. A third ruling that is derived from Rav Chiya’s actions is that regarding mourning, part of a day is akin to a whole day. *[This ruling is derived from the fact that after removing his shoes*

as a sign of mourning, Rav Chiya instructed his attendant to take his clothing to the bathhouse, and Rav Chiya did not wait until the next day to go to the bathhouse.] (4a)

We can derive from a person’s speech which tribe he belongs to.

There was a man who would always say to people, “Judge my case in a court,” and it was said that he descended from the tribe of Dan, of whom it is written: *Dan will judge his people, as one of the tribes of Israel.*

Similarly, there was a man who was wont to say, “If I could build a palace, I would do so on the seashore.” It was discovered that this man descended from Zevulun, of whom it is said: *Zevulun shall dwell by seashores.* (4a)

Those who are zealous perform mitzvos early.

Everyone agrees that *or* means night, and everyone agrees that biblically, *chametz* is only forbidden on the fourteenth of Nissan from the sixth hour and on. The *Gemora* wonders, then, why one cannot suffice with searching for *chametz* at the onset of the sixth hour on the fourteenth. Even if we were to say that those who are zealous perform mitzvos as early as



possible, one should still only begin his search in the morning of the fourteenth. This concept is derived from the verse that states: *and on the eighth day, the flesh of his foreskin shall be circumcised*. This verse teaches us that one can circumcise a child all day, but it is said: *and Avraham arose early in the morning*, which teaches us that those who are zealous perform mitzvos early. (4a)

A Torah scholar should not begin a study session on the eve of the fourteenth of Nissan before he searches for chametz.

Rav Nachman bar Yitzchak answers: The reason we search for *chametz* on the night of the fourteenth is because that is when people are at home, and furthermore, it is more effective to search with a candle by night.

We learn from this that a Torah scholar should not begin a study session on the evening of the thirteenth prior to the fourteenth, because he might be drawn after his studies and he will come to not perform the mitzvah of searching for *chametz*. (4a)

The obligation of placing a mezuzah in a house is upon the resident of the house.

The *Gemora* seeks to ascertain the law regarding one who rents his house to someone on the fourteenth of Nissan, if the landlord is obligated to search for *chametz* because the *chametz* in the house is his, or perhaps the tenant is obligated to search for *chametz* because the *chametz* is found in his domain.

The *Gemora* attempts to prove from the law of *mezuzah*, where the obligation is upon the tenant to

affix a *mezuzah* on the doorpost. Similarly, the tenant should be obligated to search for the *chametz*.

The *Gemora* rejects this proof, because the obligation to affix a *mezuzah* is incumbent upon the one who resides in the house. The reason the one who resides in the house is obligated to affix a *mezuzah* is because he is the one who is protected by the *mezuzah*. Furthermore, based on the verse that states *and you shall write them on the doorposts of your house*, we learn that the one who enters the house is obligated to affix a *mezuzah*. (4a)

One who rents a house to his friend, the obligation to search the house for chametz is predicated on when the tenant received the keys.

Rav Nachman bar Yitzchak cites a *braisa*: If one rents a house to his friend, if the fourteenth of Nissan arrives before he hands over the keys to the tenant, then the landlord is obligated to search for *chametz*, because handing over the keys is considered an act of acquisition with regard to a rental. In this case, the landlord still retained possession of the keys when the fourteenth of Nissan arrived, so the landlord is obligated to search for *chametz*. If the landlord gave the keys to the tenant and then the fourteenth of Nissan arrived, then the tenant is obligated to search for *chametz*. (4a)

The Chachamim believed women, slaves, and children to declare that a house was searched for chametz.

The *Gemora* seeks to ascertain if one rents a house to his friend on the fourteenth of Nissan, if we assume that the house is considered to have been



searched for *chametz* already or not. This question is relevant when the landlord is not available to be questioned, and the question is whether we need to trouble the tenant to search for *chametz* although the house may have been searched already.

Rav Nachman bar Yitzchak cites a *braisa*: There is a rule that even women, slaves and children are believed regarding the removal of *chametz*, and he suggests that although these people are normally not valid witnesses, they are nonetheless believed because we assume that the house was already searched and everyone is considered *chaveirim* (*one who is meticulous regarding performance of mitzvos*) regarding the search for *chametz*.

The *Gemora* provides support for this from the following *braisa*: If a *chaver* (*one trustworthy about tithing*) died and left produce, even if they were harvested that day, we assume that he tithed them. [*Even though they were definitely tevel, and we are in doubt whether he tithed them, we permit them!*]

The *Gemora* asks: Perhaps here it is different, for these people said (*that the house was searched for chametz*)?

The *Gemora* answers: Do the sayings of these people have any substance?

The *Gemora* asks: If we are to presume that it was searched (and that is why it is not necessary to search it), why does it say that all are believed; it should have said that the houses are presumed to have been searched on the fourteenth?

And if you will say that it is because they have said (*that it was searched*); but if they would not have

said, we can assume that it was not searched; let us prove from there that a house is not presumed to have been searched!?

The *Gemora* concludes that normally we would assume that a house was searched for *chametz*, but we are discussing a case where we can safely assume that the owner did not search the house, and a woman, slave, or child said that they themselves searched the house. Although we would have thought that the Chachamim did not believe them as witnesses, we are taught otherwise, because the law requiring one to search for *chametz* was instituted by the Chachamim, as biblically speaking, one is only required to nullify the *chametz* in his heart. The Chachamim were the ones who required one to search for *chametz*, and the Chachamim eased their requirement by allowing these people to be believed. (4a -4b)

A person is happy to fulfill a mitzvah with his body and with his money.

The *Gemora* queries if one rents his house to his friend under the assumption that the house was searched for *chametz*, and then the tenant discovers that it was not searched. Is this considered a mistaken transaction, and the tenant is using this as an excuse to back out of the rental agreement, or not?

The *Gemora* answers that not only is the rental agreement still valid in a locale where one does not pay for someone else to search one's house but every person searches his own house, because a person is happy to fulfill a mitzvah with his body. Thus, even if he had known that the house was not searched, he would still have rented the house.

Even in a place where people pay someone else to search their house for *chametz*, the rental is valid, because one is also happy to fulfill a mitzvah with his money, so even if he knew before entering into the rental agreement that he would be required to pay someone to search his house for *chametz*, he would still have rented the house. If now he seeks to retract from the rental agreement, it is because of a different reason, for example, perhaps he found a nicer house than this one. He is thus obligated to commit to renting from the landlord. (4b)

We derive from two verses that *chametz* is biblically forbidden on the fourteenth of Nissan from the end of the sixth hour and on.

The *Gemora* cites a *Mishna*: Rabbi Meir maintains that we can eat *chametz* the entire fifth hour and we are required to burn the *chametz* at the onset of the sixth hour. Rabbi Yehudah maintains that we can eat *chametz* the entire fourth hour, and during the fifth hour the *chametz* cannot be eaten nor does the *chametz* need to be destroyed. One can benefit from the *chametz* during the fifth hour, such as feeding it to his animals. We are required to burn the *chametz* at the onset of the sixth hour.

Abaye says: Everyone agrees that *chametz* is biblically forbidden from the sixth hour and on. We derive this law from two verses. One verse states: *for a seven-day period leaven shall not be found in your homes*, and this verse implies that one cannot have *chametz* in his possession at all for the entire seven days of Pesach. It is also written: *but on the first day you shall eliminate leaven from your homes*. This verse implies that at some point on the first day *chametz* can be found. The resolution to this apparent contradiction is that the second verse

comes to include the fourteenth of Nissan for removing *chametz*. (4b)

DAILY MASHAL

The Zealous Perform Mitzvos Early

The *Gemora* proves from the verse *and Avraham arose early in the morning* that the zealous perform mitzvos early. Tosfos¹ wonders how we can prove from this verse that the zealous perform mitzvos early and they do not perform the mitzvah before the morning.

The *Gemora* elsewhere² derives from this verse a different ruling that a Torah scholar cannot go out at night alone. Tosfos answers that this verse refers to the *Akeidah*, the binding of Yitzchak on the altar, and Avraham would not have held back from going out alone at night, because we have a rule that those who are engaged in performing a mitzvah will not be harmed. Furthermore, at the *Akeidah*, Avraham had his two servants with him. When it is said *did regarding the destruction of Sodom that Avraham arose early*, it was not a mitzvah, and Avraham went alone because he did not want anyone else to witness the destruction of Sodom.

¹ S.v. sheneemar

² Chullin 91a