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Pesachim Daf 6

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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

An animal that is subject to *arnuna*, the royal tax, is exempt from the laws of *bechor*.

Rava said: Regarding an animal which is subject to *arnuna*, the royal tax, if the Jewish owner can pay the gentile money instead of his share in the animal, then the animal is certainly subject to the laws of *bechor* (the firstborn male offspring of a kosher domestic animal that belongs to a Jew becomes sanctified at birth and must be given to a Kohen; an animal that is owned by a Jew and a gentile in partnership is not subject to the laws of *bechor*). If the Jew cannot avoid allowing the gentile to have a share in the animal by paying the gentile money, then the animal is exempt from the laws of *bechor*. The *braisa* that teaches that the animal is subject to the laws of *bechor* refers to a case where he can pay the gentile for his share in the animal. If the gentile does not have a share in the animal, the animal is subject to the laws of *bechor*. (6a)

Dough that is subject to the royal tax is also subject to the obligation of *challah*.

Another version in the *Gemora* is that an animal that is subject to the royal tax is exempt from the laws of *bechor*, and this is true even if the Jew can pay the gentile with money for his share in the animal. Regarding dough that is subject to the royal tax, the *halachah* is that the dough is subject to the obligation of *challah*. [*Challah* is the portion of due that is of a minimum size that must be given to the Koehn. The

dough must be from the five species of grain, which are wheat, barley rye, oats and spelt. Dough that is owned by a gentile is not subject to the laws of *challah*.] This is so even if the Jew cannot remove the gentile from his share in the dough by paying him money. The difference between the case of the dough and the case of the animal is that regarding an animal, it is well known that the king has a share in the dough, whereas it is not well known that the king has a share in the dough. An outside observer might think that the *challah* is being eaten without having *challah* separated from the dough. For this reason, the Chachamim required that *challah* away be taken from the dough. (6a)

If a gentile went into the courtyard of a Jew with dough in his hand, the Jew is not required to remove it.

If a gentile entered the courtyard of a Jew on Pesach with *chametz* in his hand, the Jew is not required to ask the gentile to leave his house, as a Jew can see the *chametz* of a gentile on Pesach. If, however, the gentile deposited the *chametz* with the Jew, thereby having the Jew responsible for the *chametz*, the Jew must remove the *chametz* from his possession. If the Jew set aside a special room for the *chametz*, and in this way the Jew has not accepted responsibility for the *chametz*, the Jew is not required to receive the *chametz*, because it is said: *it shall not be found*.



One interpretation of this last statement is that if the gentile deposits the *chametz* with the Jew, the Jew must remove it because it is said: *it shall not be found*. Alternatively, this statement means that if the Jew set aside a room for the *chametz* of the gentile, the Jew is not required to remove the *chametz*, because it is said: *it shall not be found in your homes*. The gentile is in essence bringing *chametz* into his own house, and the *chametz* is not the Jew's because he did not accept responsibility for it. (6a)

One cannot rent a house to idolaters for the purpose of dwelling because the idolaters bring idols into the house.

The *Mishna* stated that even when the Chachamim allowed a Jew to rent a house to an idolater, this permit was not given for a house used for the purpose of dwelling, because idolaters will bring idols into it. It is biblically prohibited for one to have an idol brought into his house, so it is only permitted to rent a space to an idolater so he can use the area as storage space for his animals or wood, but one cannot rent the gentile space that he will use for his living quarters. (6a)

In one finds *chametz* in his house on Yom Tov, he should cover it with a vessel so that he does not mistakenly come to eat it.

If one finds *chametz* in his house on Pesach, he should cover the *chametz* with a vessel so he does not mistakenly come to eat it. We are not concerned with his keeping the *chametz* in his house, because we will learn later (6b) that one must nullify his *chametz* before Pesach. He cannot remove the *chametz* on Pesach, because since the *chametz* has no use, it is rendered *muktzeh*, so he must cover it with a vessel to remind him that he is forbidden to eat it. If the *chametz* was *hekdesh* (consecrated for the Bais

HaMikdash), however, then he is not even required to cover the *chametz* with a vessel, because even during the rest of the year people distance themselves from items that are *hekdesh* and we are not concerned that he will come to eat it on Pesach. (6a)

If one has *chametz* of a gentile in his house, he should make a partition that is ten *tefachim* high to serve as a reminder not to eat the *chametz*.

If one has *chametz* of a gentile in his house, and he is allowed to retain the *chametz* in his possession because he did not accept responsibility for it, he should make for the *chametz* a partition ten *tefachim* high that will serve as a reminder not to eat the *chametz*. The partition should be made before Pesach so that he will not mistakenly come to eat the *chametz* on Pesach. If the *chametz* is of *hekdesh*, however, then he is not required to make a partition for it, because people distance themselves from items of *hekdesh* all year around. (6a)

One who sets out on a journey before thirty days prior to Pesach is not obligated to remove his *chametz*.

One who sets out to sea and one who journeys a far distance on a caravan, if he sets out on his journey prior to thirty days before Pesach, he is not required to remove his *chametz*. If, however, he sets out on his journey within thirty days before Pesach, then he is required to remove his *chametz*. Even when Pesach arrives, he is not liable for owning *chametz*, because he will not be able to access the *chametz*, and the *chametz* is considered to be eliminated. This is similar to *chametz* that is buried under a heap of rubble which the *Mishna* (31b) rules that it is rendered to be eliminated.

When we say that if he sets out on his journey within thirty days before Pesach, he is obligated to remove his *chametz*, this was only said if he planned on returning home during Pesach. If he does not plan on returning to his home during Pesach, then he is not required to remove his *chametz*. Alternatively, even if he sets out on Rosh Hashanah and planned on returning during Pesach, he is required to remove his *chametz*. Rather, that what we learned that that if he sets out on his journey prior to thirty days before Pesach, he does not have to remove his *chametz*, that was only stated when he does not plan on returning during Pesach. If he plans on returning during Pesach, however, even if he sets out on his journey on Rosh Hashanah, he is required to remove his *chametz*. (6a)

Moshe stood on Rosh Chodesh and instructed the Jews regarding the Pesach offering that was to be brought two weeks later on the fourteenth of Nissan.

The significance of thirty days before Pesach is based on a *braisa* that states: We ask and expound on the laws of Pesach thirty days prior to Pesach, so that we will be familiar with the laws. Rabban Shimon ben Gamliel maintains that it is sufficient to ask and expound on the laws of Pesach two weeks before Pesach.

The Tanna Kamma maintains that Moshe stood on the day when the first Pesach offering was brought, which was the fourteenth of Nissan, and he instructed the Jewish People regarding the laws of the Pesach Sheini which was brought on the fourteenth of Iyar. Moshe instructed them thirty days prior to the offering of Pesach Sheini. From the fact that Moshe explained the laws of Pesach Sheini then, we can infer that the laws pertaining to the upcoming holiday should be taught thirty days in advance. Rabban Shimon ben Gamliel maintains that Moshe stood on Rosh Chodesh, the first

of Nissan, and instructed the Jewish People regarding the Pesach offering that they would bring two weeks later, on the fourteenth day of Nissan. Alternatively, we can derive the ruling of Rabban Shimon ben Gamliel from the verse that states that Hashem spoke to Moshe in the Wilderness of Sinai in the first year in the first month, on the first day of the month, and Hashem told Moshe to tell the Jewish People to make the Pesach offering in its proper time which was two weeks later. (6a 6b)

The Torah is not written in chronological order.

The Torah records the incident regarding Pesach Sheini, which occurred in the wilderness in the second year in the first month, after the Torah records the census of the Jews in the beginning of the Book of Bamidbar, and the census occurred in the second year in the second month. We derive from this that the Torah is not written in chronological order.

This idea was only said concerning verses in two passages, but regarding verses that were recorded in one passage, whatever was recorded earlier occurred earlier, and that was recorded later occurred later.

The proof for this is from a *klal uprat* and from a *perat uklal*. [These terms mean a generalization (*klal*) and then a specification (*perat*), and a specification and then a generalization.] When there is a generalization and then a specification, we say the generalization only contains within it the specification. If there is no order in the Torah even in one passage, then perhaps it is really a specification and generalization. Similarly, with regard to a specification and a generalization, when the generalization functions as an addition to the specification, if there is no order in the Torah even in one passage, then perhaps it is really a generalization and a specification. Therefore, we must



say that the verses in a single passage in the Torah were written in chronological order. (6b)

One who searches for *chametz* must nullify the *chametz* after the search.

One who searches for *chametz* should nullify the *chametz* immediately after conducting the search. He should say *any chametz in this house is hereby nullified*. The requirement to nullify the *chametz* is not because of crumbs that he is unaware of, because crumbs are not considered to be significant, and even if he does not nullify the crumbs, he will not be liable for them. We also do not say that the crumbs are safeguarded along with the rest of his house. Rather, the reason that he must nullify the *chametz* is a rabbinical decree because he may find a nice roll that was overlooked while searching for the *chametz*, and he will have his mind on it. He will thus be reluctant to destroy the roll, and during the moment of hesitation, he will be liable for owning the *chametz*. When he nullifies the *chametz*, he is not liable for the roll, because he has already fulfilled the commandment to remove the *chametz*. Nullifying the roll when he finds it is not effective, because he may find it once he is forbidden to retain *chametz*, and *chametz* after the sixth hour is no longer in a person's possession to allow him to nullify it. He must therefore nullify the *chametz* while it is still permitted to be nullified. (6b)

HALACHOS FROM THE DAF

Hilchos Bedikas Chametz

1. Introduction

The Torah commands us with two separate mitzvos to rid our property of *chametz*: "For seven days, leaven must not be found in your homes" (Shemos 12:19) and

"You shall not see *chametz*, and you shall not see leaven in all your boundaries" (Shemos 13:7).

According to Torah law: to avoid transgressing these two prohibitions, it is sufficient to perform either bitul or biur. Bitul entails abandoning ownership of one's *chametz*. Since the *chametz* is no longer his, he may keep it in his home without violating these prohibitions. Biur means to search one's property for *chametz* and destroy it. If a person searches his property according to the guidelines set out by the halacha, even if he overlooks some *chametz* which remained in his property over Pesach, he has not violated the above prohibitions, provided that he had no knowledge of its existence.

By Rabbinic Law: The Sages ruled that is not sufficient to follow only one of the above practices; one must perform them both. The Sages did not wish to rely on bitul *chametz* alone for several reasons. Firstly, bitul depends upon a person making a resolute decision to abandon ownership of his *chametz*. Our Sages feared that a person may have reservations against forsaking expensive *chametz*, and he will not perform the bitul whole-heartedly. Another reason offered, is that since people are accustomed to eating *chametz* throughout the year, if one would only perform bitul and leave the *chametz* in his property, he might accidentally come to eat it. For these reasons, they ruled that one must not rely on bitul, but he must actually dispose of the *chametz*. It is similarly insufficient to rely on biur *chametz* alone. A person may overlook a piece of *chametz* during his bedika on erev Pesach. He may then come across it on Pesach and hesitate to destroy it. Due to that moment of hesitation, after he had already discovered the *chametz*, he would transgress the Torah prohibition against owning *chametz*. Therefore, our Sages ruled that bitul must also be



performed, in order to disown even the unknown *chametz* from one's possession.

Searching for *chametz*:

1. In order to rid one's property of all *chametz*, our Sages instituted the practice of searching for *chametz* on the night of the fourteenth of Nisan.

2. Wherever *chametz* is brought over the course of the year must be searched during *bedikas chametz*. Even those places where *chametz* is not generally stored or eaten, but one might have brought *chametz* there incidentally, must also be checked.

3. Therefore, the rooms and closets of a house must be checked. Even if a person is certain that he has never eaten or stored *chametz* in a certain place, he may have entered there during the course of a meal and either left *chametz* there and forgotten about it, or accidentally dropped a piece.

Places where *chametz* is not brought:

1. Places where *chametz* is generally not kept, and one would not enter with *chametz* during a meal, need not be checked unless one knows that he did bring in *chametz* over the course of the year.

2. In the time of the *Gemora*, people stored things in the crevices of the walls. *Chametz* was generally stored in easily accessible crevices. It was not stored in holes lower than three tefachim, or higher than one could conveniently reach. Therefore, our Sages did not require searching these areas unless one knows that he did store *chametz* there, even once during the year. In our own times, this may apply (depending on the circumstances) to the tops of cabinets and the like, where people never store *chametz*. These areas need not be searched for *chametz*, unless one knows that he stored *chametz* there even once during the year.

3. In a house with children, even those places where *chametz* is not generally kept must be searched, since the children may have brought *chametz* there.

DAILY MASHAL

The Torah is not written in chronological order

The *Gemora* states that the Torah is not written in chronological order. Although the Ways of Hashem are concealed from us, Rabbeinu Bachye offers us a glimpse into the wonders of Hashem. Rabbeinu Bachye¹ quotes a Medrash² that states that if the Torah had been written in its proper order, then a person would have the ability to resurrect the dead and perform other miracles. Rabbeinu Bachye adds that now that the Torah was not written in chronological order, a person merits through the study of Torah a share in the World to Come. Moshe Rabbeinu acquired all his knowledge and insight from the Torah, and Shlomo HaMelech, who is referred to as the smartest man that ever lived, also acquired his vast amount of knowledge from the Torah.

¹ Introduction to commentary on Chumash

² Medrash Tehillim 3