

21 Tammuz 5773
June 29, 2013



Pesachim Daf 9

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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

Animals Dragging Food

The Mishna says that we need not worry that a weasel dragged chametz from an unchecked house to checked one or one unchecked area to a checked one. The Mishna explains that we don't worry since such a concern could go on forever, between courtyards or even cities, which would make it impossible to sufficiently check.

The Gemora says that the Mishna implies that we don't worry about the chametz being dragged only because we didn't see the chametz being taken, but if we did see a weasel take it, we must be concerned, and therefore check for chametz again.

The Gemora asks why we must check in that case, as we should assume that the weasel ate up all the chametz already.

To support this, the Gemora cites a Mishna which says that any place where a non-Jew lived for at least 40 days is assumed to be impure since they may contain a corpse of a fetus. However, any part of the house where a pig or weasel enter need not be checked, as it would have removed any corpse there, implying that it would eat it and not leave any over.

Rabbi Zaira answers that we only assume it eats everything in the case of meat (like a corpse), but not in the case of bread.

Rava answers that in the case of the non-Jew's house, we don't know if there was a corpse, so we therefore are lenient if a weasel would enter, as the possibility that it may have eaten it is sufficient to address the possibility of the corpse being there. However, in the case of chametz, which we know was definitely there, we cannot be lenient unless we know for certain that it was eaten, as a possibility cannot resolve a known issue.

Doubt vs. Certainty

The Gemora challenges Rava's principle that a possibility cannot resolve a known issue from various cases:

The braisa says that if a *chaver* – *someone we trust to take teruma and ma'aser* died, leaving a silo of produce, we assume they were already tithed, even if they were harvested today. In this case, we know that the produce started off prohibited, since they weren't tithed, yet the possibility that the *chaver* tithed them is sufficient to remove the prohibition.



The Gemora offers two answers:

1. The chaver tithing is not a possibility but a certainty, as Rabbi Chanina Choza'a says that we can assume that a chaver never releases any produce without tithing it.
2. The produce was not definitely prohibited, as Rabbi Oshaya says that one can avoid the Torah requirement for tithes by bringing produce inside while it still has its chaff, since the obligation of tithing occurs at the time of entering the house, and only if it is fully processed. This allows him to feed his animal from the produce before tithing it. Therefore, in this case, it is only a possibility that it was prohibited, and therefore that can be permitted by the possibility that the chaver tithed it.

The braisa cites Rabbi Yehudah relating the story of a maidservant of a strongman in Rimon who put her miscarried fetus in a pit. A kohen came and peered into the pit to see if the fetus was male or female, and the Sages ruled that he wasn't impure, since small animals like weasels frequent such pits, and we therefore assume that they removed the fetus before he came. In this case, although there certainly was an impure fetus in the pit, the possibility that a weasel removed it is sufficient to remove the impurity.

The Gemora offers two answers:

1. It wasn't certain that she a fetus came out, as she may have just released gas, and the braisa means that the kohen peered to see if it was a fetus, and if it was, whether it was

male or female. Therefore, the possibility of a weasel removing it is sufficient to address the possibility that there was impurity there.

2. Although a weasel may not finish all its food immediately, it definitely will remove the fetus immediately. Therefore, that certainty can address the certain impurity.

The Gemora challenges the Mishna's statement that we don't worry that an animal dragged the chametz from the later Mishna which says that one must securely store the remaining chametz away, to avoid having to check again. This implies that if one didn't make it inaccessible to animals, he must check, out of concern that an animal took it.

Abaye answers that the first Mishna is referring to the 13th of Nisan, while the second is referring to the 14th. On the 13th, when chametz is still readily available, the animals will finish eating it, and not leave any over. On the 14th, when chametz is not available, as it's being destroyed, the animal will store some of its food away.

Rava challenges this, as animals are not prophets who would know that on the 14th nothing will be baked until the night time, and they will therefore behave the same on both days.

Rava instead answers that the second Mishna means that one should securely store the remaining chametz, since otherwise we may see a weasel taking it, requiring another search.

The Gemora cites a braisa which supports Rava. The braisa says that if one wants to eat chametz after



checking, he should securely store the leftover chametz, to avoid our seeing a weasel take it, which would require a new search.

Rav Mari answers that the second Mishna means that one should securely store the chametz, to avoid a situation where one left 10 pieces and returned to find only 9, which would require a new search.

Chametz Scenarios

The Gemora lists rulings about different scenarios with chametz leftover after the search.

1. There were 9 pieces of matza and one of chametz, and a mouse took one of them into a house. The Gemora says that this is similar to the Mishna which lists scenarios with a street with 9 kosher butchers and one non-kosher one. If one entered one store, but doesn't know which, we consider it a full doubt, but if meat left a store, and we found it away from them, we assume it came from the majority which is kosher. Similarly, if the mouse took one of the pieces from the mixture, it is a doubt, requiring a new search, while if a piece left the mixture, and the mouse took it from there, we assume it came from the majority, requiring no search.
2. There were two piles, one of chametz and one of matza, in front of two houses, one of which was checked. One mouse took each pile into one of the houses, but we don't know which pile entered which house. The Gemora says that this is similar to the case of two cases of produce which fell into two

larger se'ah piles of produce. The Mishna says that if one case was teruma and one was not, and one se'ah was teruma and one was not, we assume that the teruma fell into the teruma, and the other se'ah is therefore permitted to all.

The Gemora challenges this comparison, as we may only make such an assumption in the case of teruma, which is only Rabbinically prohibited, but not in the case of chametz, which is prohibited by the Torah.

The Gemora says that checking for chametz is also only Rabbinic, as the Torah prohibition is removed once one nullifies the chametz.

INSIGHTS TO THE DAF

Doubts About Impurity

The Gemora says that the possibility of a weasel dragging a fetus corpse from a non-Jew's house is enough to address the possibility of the corpse, since we don't know there was ever impurity.

Tosfos (9a v'im) asks how we can say this, as the house is a private domain. In a private domain, any doubt of impurity is impure, no matter how many levels of doubt there are.

Tosfos offers two answers:

1. Since we don't even know if there was a corpse, this makes it different than a standard case of a doubt in a private domain,



which applies when there is impurity, and we're just not sure if it made someone impure.

2. The possibility of the weasel is a very strong one, close to a certainty.

The Gemora says that the kohen who peered into the pit to check for a fetus wasn't impure, since they weren't sure whether there was even a fetus, and a weasel possibly dragged it away.

Tosfos (9b safek) asks why this is so. If the pit is in the private domain, he should be impure no matter how many doubts there are.

Tosfos answers that the possibility of a weasel is so strong that it borders on certainty.

One Piece out of 10

The Gemora discusses a case where a mouse took one piece from a group of 10, 9 of which were chametz, comparing it to the case of meat from an unknown butcher shop. Rashi learns that the Gemora's question is whether one must check the house into which the mouse entered.

Tosfos (9b haynu) cites Ri who challenges Rashi's explanation:

1. Since checking for chametz is a Rabbinic requirement, we should rule leniently in all cases, even when it is a full doubt. The Ri notes that this could be answered by saying the Gemora's talking about a case where one didn't nullify his chametz, making the checking a Torah requirement.

2. In such a case, the house begins with a status of being checked, making it more likely that we would assume that it remains checked. This is different than the case of the meat, which has no prior status.

The Ri therefore says that the Gemora's question is whether one can eat the piece taken by the mouse.

DAILY MASHAL

Meticulous in what Leaves our Hand

The Gemara states that we assume that a chaver has tithed his produce, so even if the chaver were to die, we assume that the produce is tithed and is permitted to eat. The Gemara explains that this permit is based on the rule that there is a legal presumption that a chaver does not allow something to leave his hand if it has not been made fit. This concept can be applied to every Jew, as the Gemara states that one should repent before he dies. When questioned if one knows the day of his death, Rabbi Eliezer responded that since one does not know the day of his death, he should repent every day, and in this way all his days will be in a state of repentance. Everyone should view himself as a chaver, who will not allow something unfit to leave his hand. The soul that Hashem entrusted with us is pure when we receive it, and we should ensure that we return our soul to Hashem in the same state as we received it.