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Pesachim Daf 5

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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

We learned elsewhere: Rabbi Meir said: one may eat [chametz] the whole of the five [hours] and must burn [it] at the beginning of the sixth. Rabbi Yehudah said: one may eat until four [hours], hold it in suspense the whole of the fifth, and must burn it at the beginning of the sixth. Thus incidentally all agree that chametz is [Scripturally] forbidden from six hours [i.e., noon] and onwards: from where do we know it? — Said Abaye: Two verses are written: Seven days shall there be no chametz found in your houses; and it is written, even [ach] the first day you shall put away chametz out of your houses: how is this [to be understood]? It must include the fourteenth [as the day] for removal. Yet say that it includes the night of the fifteenth [as the time] for removal; for one might argue, ‘days’ is written, [implying] only days but not nights: hence it [the verse] informs us that even nights [are included in the interdict]? — That is unnecessary, for the putting away of chametz is compared to [the prohibition of] eating chametz, and the eating of chametz to the [mitzvah of] the eating of matzah. The *Gemora* explains: The commandment of removing *chametz* is compared to the prohibition of eating *chametz*, as it is said: *for a seven-day period, chametz shall not be found in your homes*. Subsequently it is said: *for anyone who eats leavening, that soul shall be cut off*. [This teaches us that when the prohibition against eating *chametz* commences, one must ensure that the *chametz* is already removed from his possession.] The prohibition against eating *chametz* is

compared to the *mitzvah* of eating *matzah*, as it is said: *you shall not eat any leavening*, and subsequently it is said: *in all your dwellings you shall eat matzos*. Regarding *matzah* it is said: *in the evening you shall eat matzos*. [This teaches us that the *chametz* must be destroyed at the same time that one is commanded to eat *matzah*, which is the first night of Pesach.] Yet perhaps it is to include the night of fourteenth [as the time] for removal? — ‘The day’ is written. The *Gemora* attempted to suggest that one should be obligated to remove the *chametz* from the morning of the fourteenth of Nissan rather than that afternoon. The *Gemora* responds that it is said: *but on the first day you shall eliminate chametz from your homes*. The word *ach*, but, teaches us that we divide the day into two equal parts, and one is only forbidden to retain *chametz* in the second half of the fourteenth day. (4b - 5a)

The School of Rabbi Yishmael taught: We find that the fourteenth is called the first, as it is said, on the first, on the fourteenth day of the month. (5a)

Rav Nachman bar Yitzchak said: ‘The first’ [rishon] means the preceding, for the verse states: Were you born, before [rishon] Adam?¹ If so,² and you shall take you out the first [rishon] day, — does ‘rishon’ here too mean the preceding? — There it is different, because it is written, and you shall rejoice before Hashem your God seven days:

¹ The *Gemora* posited that the word *rishon*, first, implies the day prior to, and not the first day of, the festival.

² The *Gemora* challenges this premise from three verses where the word *rishon* clearly does not imply the day prior to the

festival. Rather, in those instances the word *rishon* implies the first day of the festival.

just as the seventh [means] the seventh of the Festival, so the first [means] the first of the Festival. [But] here too it is written, even the first day [rishon] you shall put away chametz out of your houses. Seven days shall you eat matzah? — If so, let Scripture write ‘first’ [‘rishon’]; why ‘the first [ha-rishon]’? Infer from this [that it is required] for what we have stated. If so, there too what is the purpose of ‘the first’ [‘ha-rishon’]? Moreover, when it is written there, on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest, say that rishon implies the preceding? There it is different, because Scripture states: ‘and on the eighth day shall be a solemn rest’: just as ‘eighth’ means the eighth of the Festival, so ‘first’ means [the] first of the Festival. [But still] what is the purpose of ‘the first’ [ha-rishon]? — In order to exclude the Intermediate days of the Festival. [But the exclusion of] the Intermediate days of the Festival is derived from ‘first’ and ‘eighth’? — It is [nevertheless] required: you might argue, since the Divine Law writes, and on the eighth day, the vav [‘and’] indicates conjunction with the preceding subject, so [as to include] even the Intermediate days of the Festival too; hence ha-rishon informs us [otherwise]. Then let Scripture write neither the vav nor the heh? Moreover, when it is written there, In the first day [ha-rishon] you shall have a holy convocation, does ‘rishon’ mean the preceding? Rather, these three [instances of] ‘rishon’ [‘first’] are necessary for what the School of Rabbi Yishmael taught. For the School of Rabbi Yishmael taught: In the reward for fulfilling these commandments that are called first,³ the Jewish People will merit three results that are reflected by the term first. These three results will be the obliteration of the descendants of Esav, the construction of the Bais HaMikdash, and the name of Moshiach. Regarding the

³ Which are not performing labor on Pesach, not performing labor on Sukkos, and the *mitzvah* of *lulav*.

⁴ The Pesach offering is slaughtered in the afternoon, so the implication is that the *chametz* must be removed before midday. This begins at what the Torah refers to as *bein ha'arba'im*, literally meaning between the darkenings.

⁵ When it is time to slaughter the sacrifice there must be no chametz in the house, as it is inconceivable that there should be

obliteration of the descendants of Esav it is written: *the first one emerged red, entirely like a hairy mantle*. Regarding the construction of the Bais HaMikdash it is said: *like the throne of glory, exalted from at first, is the place of our sanctuary*. Regarding the name of Moshiach it is said: *the first of Tziyon, behold, they are here*. (5a)

Rava said: It is said: *you shall not slaughter My blood offering while in the possession of chametz*. This teaches us that one should not slaughter the Pesach offering while he still retains *chametz* in his possession.⁴ Then perhaps each person [must remove his chametz] when he slaughters [his sacrifice]? Scripture meant the time for slaughtering.⁵

A Baraisa supports this as well: It is said: *but on the first day you shall eliminate chametz from your homes*, it means from before Yom Tov. Or perhaps it means that one can eliminate the *chametz* on Yom Tov, this cannot be, because it is said: *you shall not slaughter My blood offering while in the possession of chametz*. This teaches us that you cannot slaughter the Pesach offering while still retaining *chametz* in your possession. These are the words of Rabbi Yishmael.

Rabbi Akiva, however, says that this⁶ is not necessary, as it is said: *but on the first day you shall eliminate from your homes*, and it is also said: *all labor shall not be done on them*. We know that lighting a fire is considered an *av melachah*, a primary labor.⁷

Rabbi Yosi, however, says that this⁸ is not necessary, as it is said: *ach, but, on the first day you shall eliminate leaven from your homes*.⁹ This means from before Yom Tov. Or

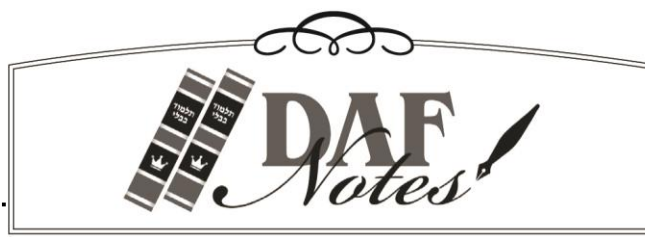
no fixed hour applicable to all.

⁶ That exposition.

⁷ The implication is clear that one can only burn the *chametz* on the eve of the Yom Tov and not on the Yom Tov itself.

⁸ That exposition.

⁹ Which limits the ownership of *chametz* to part of the day.



perhaps it is referring to the Yom Tov day itself – the Torah therefore states: *ach, but*.¹⁰ And if it refers to the Yom Tov itself, is that permitted at all? But the commandment of removing *chametz* is compared to the prohibition against eating *chametz*, and the prohibition against eating *chametz* is compared to the *mitzvah* of eating *matzah*.¹¹ (5a)

Rava says: We learn three rulings from the opinion of Rabbi Akiva.¹² We learn [from the opinion of Rabbi Akiva] that one can only fulfill the commandment of removing *chametz* by burning the *chametz*. [*This is in accordance with the opinion of Rabbi Yehudah later (21a).*] We also derive [from Rabbi Akiva's ruling] that kindling is singled out to divide the various labors that are forbidden on Shabbos into individual categories of liability. [*This follows the opinion of Rabbi Nassan in Shabbos (70a) who maintains that the Torah singles out the prohibition of kindling to teach us that just like one who performs an act of kindling on Shabbos is liable a chatas offering, so too one is liable a chatas offering for every act of labor that he performs, even if he violates many prohibitions in one state of unawareness.*] We also learn [from the opinion of Rabbi Akiva] that we do not say that since lighting a fire was permitted for the purpose of food, it will also be permitted for something not related to food preparation. (5a - 5b)

One cannot hide his own *chametz* and one cannot receive deposits of *chametz* from a gentile.

The Rabbis taught in a Baraisa: It is said: *for a seven-day period chametz shall not be found in your homes*. What is the Torah teaching us seeing that it is also said: *chametz shall not be seen to you, and chametz shall not be seen in all your borders*?¹³ The Gemora explains that since it is said: *chametz shall not be seen to you*, this implies that

¹⁰ Which limits the ownership of *chametz* to part of the day.

¹¹ Since one is commanded to eat *matzah* the first night of Pesach, the *chametz* must be removed before the first night of Pesach.

¹² Rabbi Akiva maintained that one cannot burn *chametz* on the first day of Pesach because lighting a fire is a primary labor

one can see the *chametz* of gentiles and of *hekdesh*, something that is consecrated for use in the Bais HaMikdash. One would think that if one hides his own *chametz* so that it will not be seen, and if he receives a *pikadon*, a deposit, from a gentile, that this is permitted. The verses therefore states: *it shall not be found*, and this prohibits one from hiding his own *chametz* or receiving a deposit from a gentile. (5b)

One cannot keep the *chametz* of a gentile, even if he dominates him.

The Baraisa continues: [We have learned that one cannot retain *chametz* that belongs to a gentile.] One would have assumed that this only applies to a gentile who the Jew does not dominate and does not reside together with the Jew in the same courtyard. How do we know [that this is true] regarding a gentile who the Jew does dominate and one who resides together with you in the courtyard? We require the verse that states: *it shall not be found in your homes* [to teach us that one cannot even retain the *chametz* of a gentile who the Jew dominates and is living together with the Jew in the same courtyard]. I know this only of that which is your houses; how do I know it of *chametz* found in pits, ditches and vaults? It is because it is written: *neither shall there be chametz seen with you, in all your borders*.

The *braisa* continues: Yet I might still argue, as follows: Indeed on account of *chametz* 'in houses,' one transgresses the prohibition against it being seen, found, and against hiding it and receiving it as deposits from a gentile; whereas in respect to *chametz* in 'your borders,' we say that your own *chametz* you must not see, yet you may see the *chametz* that belongs to others and to the Most High. How do we know to apply that which is stated

which is forbidden on Yom Tov, unless the kindling is for the purpose of food preparation.

¹³ If one cannot retain *chametz* in his borders, certainly his house is included. Why is the first verse needed?

in this verse to the other, and vice versa? Therefore chametz is stated twice for a *gezeirah shavah*. The *braisa* explains: chametz is stated in connection with houses: '*no chametz shall be found in your houses*', and chametz is stated in connection with the borders: '*neither shall there be chametz seen with you in all your borders*.' Just as with the chametz which is stated in connection with houses, one transgresses the prohibitions of *it shall not be seen* and *it shall not be found*, it shall not be hidden nor accepted as deposits from gentiles, so too with the chametz which is stated in connection with the borders, one violates the prohibitions of *it shall not be seen* and *it shall not be found*, it shall not be hidden nor accepted as deposits from gentiles. And just as with the chametz which is stated in connection with the borders, only your own you must not see, but you may see the *chametz* that belongs to others and to the Most High, so too with the chametz which is stated in connection with the houses, only your own you may not see, but you may see the *chametz* that belongs to others and to the Most High. (5b)

The master said: this might only be of a gentile who is not dominated by you, or does not dwell with you in the same courtyard; how do I know it of a gentile who is dominated by you and dwells with you in the same courtyard? It is because it is written: *chametz shall not be found in your houses*. The *Gemora* asks: To which way does this go? [*The logic is exactly the opposite!?*] Abaye said: Reverse it. Rava said: In truth you must not reverse it, but it refers to the first clause: Your own you may not see, yet you may see the *chametz* that belongs to others and to the Most High. this might only be of a gentile who is not dominated by you, or does not dwell with you in the same courtyard; how do I know it of a gentile who is dominated by you and dwells with you in the same courtyard? It is because it is written: *chametz shall not be found*.

The *Gemora* asks: But this *Tanna* seeks permission, yet cites a verse intimating a prohibition? The *Gemora* answers: It is because '*to you*,' '*to you*' is stated twice. (5b)

The master said: one might think that one may hide *chametz* or accept deposits of *chametz* from a gentile; therefore it is written: *chametz shall not be found in your houses*. The *Gemora* asks: But you said in the first clause; your own you may not see, yet you may see the *chametz* that belongs to others and to the Most High?

The *Gemora* answers: There is no difficulty, for one is referring to a case where he (*the Jew*) accepts responsibility (*for the chametz of the gentile*), and the other refers to a case where he does not accept responsibility. (5b)

Rava told the residents of Mechoza to remove the *chametz* of the gentile soldiers from their houses.

[*We learned that one cannot receive deposits of chametz from a gentile. Yet, we learned that one can see the chametz of a gentile, so why is it forbidden to receive a deposit from a gentile? The Gemora resolves this contradiction by stating that if the Jew did not accept responsibility for the chametz, then he is permitted to see the chametz and he is even allowed to keep the chametz of the gentile in his house. If, however, the Jew accepted responsibility for the chametz of a gentile, then the Jew cannot retain the chametz in his house or in any property, and this prohibition applies whether the Jew is associated with the gentile or not.*] For this reason Rava instructed the residents of his town Mechoza to remove the *chametz* of the gentile soldiers from their homes, because if the *chametz* of the gentiles would be stolen or lost, it is as if the *chametz* is in the possession of the Jew, and the Jew would have to pay. This renders the *chametz* as belonging to the Jew and the Jew is forbidden to keep the *chametz*. (5b)

The *Gemora* asks: This is understandable according to the opinion who holds that something which causes a benefit for money is as money (*and therefore, though the chametz does not belong to the Jew, yet since the Jew is obligated to compensate the gentile for the loss of the chametz, it is*



regarded as his, i.e., as his money or property), but according to the view that it is not as money, what can be said?

The *Gemora* answers: Here it is different, because the Torah writes: *There shall not be found*.

Others say: This is understandable according to the opinion who holds that something which causes a benefit for money is as money, therefore '*there shall not be found*' is necessary. But according to the view that it is as money, what is the purpose of '*there shall not be found*'?

The *Gemora* answers: It is necessary, for you might argue, as follows: since if in existence it is returned as it is, it does not stand in his possession. Therefore, he informs us otherwise. (5b – 6a)

DAILY MASHAL

The Three Firsts

The *Gemora* states that we need the three terms *rishon*, first, to teach us that in reward for fulfilling three commandments that are referred to as first, the Jewish People merited three results that are reflected in the term first. We merit the obliteration of Esav because it is said: *the first one emerged red, entirely like a hairy mantle*. We merited the construction of the Bais HaMikdash, because it is said: *like the throne of glory, exalted from at first, is the place of our sanctuary*. We merited the name of Moshiach, as it is said: *the first of Tziyon, behold, they are here*.

What is the significance of these three *firsts*, and what is their association to refraining from labor on Pesach and Sukkos and to fulfilling the mitzvah of *lulav*?

The Maharal¹⁴ explains that Esav is likened to *chametz* and *chametz*, which is filled with additives, whereas the Jewish People are compared to *matzah* that is void of any impurities. The first day of Pesach is when we have just removed the *chametz* from our midst, and this is in accordance with the Medrash¹⁵ that states that Esav exited the womb first so that he would clean the area for Yaakov to emerge afterwards. For this reason Yaakov received the blessings from Yitzchak on the first day of Pesach. The Maharal writes that in the merit of refraining from labor on Sukkos we merit the Bais HaMikdash, as the Bais HaMikdash is referred to as the Sukkah of Hashem. When we dwell in a Sukkah, Hashem so to speak also rests His Divine Presence in the Mikdash which is called Sukkah. The essence of Sukkos was the Clouds of Glory, as this is where Hashem's Presence was manifest. This was also the reason why Shlomo HaMelech dedicated the Bais HaMikdash prior to Sukkos and the completion of the Bais HaMikdash occurred on Sukkos.

The Maharal concludes that by taking the *lulav* we merit the name of Moshiach because the *lulav* demonstrates that we bond together with Hashem just like we tie the four species together on Sukkos. Taking all four species symbolizes the various groups of Jews, some who are learned and have good deeds, others who are learned but do not have good deeds. Then there are others who have good deeds and are not learned, and there is a fourth group that are not learned and do not have good deeds. We are instructed to merge all these groups together on Sukkos, and in a similar vein, when Moshiach arrives, all the Jewish People will be forged together as one unit.

¹⁴ Drasha LeShabbos HaGadol

¹⁵ Breishis Rabbah 63:8