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Pesachim Daf 99

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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

If the pesach sacrifices belonging to two [single persons] become mixed up etc. Shall we say that our Mishnah does not agree with Rabbi Yehudah? For it was taught: And if the household be too little for a lamb: this teaches that they may go on decreasing [their numbers], providing, however, that one of them remains; these are the words of Rabbi Yehudah. Rabbi Yosi said: Providing that they do not leave the pesach sacrifice as it is!¹ — Said Rabbi Yochanan: You may even say [that it agrees with] Rabbi Yehudah. Since Rabbi Yehudah said: One may not slaughter the pesach-offering for a single person, then from the outset he stood to register another with himself, and he [the newly-registered person] is accounted as one of the [original] members of the company. Rav Ashi said: Our Mishnah too proves this, for it teaches: Similarly, if there are five companies consisting of five members each: thus, only of five [each], but not [if some consist] of five and [others of] four; isn't [the reason] because one of the [original] members of the company does not remain with it?² This proves it. (99a1 – 99a2)

¹ Without owners. Now Rabbi Yehudah must mean that one of the people who originally registered for it, when the animal was first set aside for a pesach-offering, must remain registered for it, while in Rabbi Yosi's opinion it is sufficient that someone remains, even if he is not of those who originally registered for it. For if Rabbi Yehudah's view is not as stated, it does not differ in any way from Rabbi Yosi's. But in the Mishnah, when Reuven, the only original owner of one of the sacrifices, declares, 'If this animal is not mine, I withdraw from the other and register for this', the other is left without anyone who first registered for it, since Reuven is the only original owner.

² If it consisted of less than five, and one joins each other's company. For if it were unnecessary for all original member to remain, the Mishnah could teach that whatever the number of original members, each company increases itself to five and then does as stated.

WE SHALL RETURN TO YOU, MI SHEHAYAH TAMEI
AND PESACH SHEINI IS CONCLUDED

CHAPTER X

MISHNAH: On the eve of Pesach³ close to Minchah a man must not eat until nightfall. Even the poorest man in Israel must not eat [on the night of Pesach] until he reclines;⁴ and they should give him not less than four cups [of wine],⁵ and even [if he receives relief] from the charity plate.⁶ (99b1 – 99b2)

GEMARA: Why particularly the eve of Pesach? Even the eves of Sabbaths and Festivals too [are subject to this law]? For it was taught: A man must not eat on the eves of Sabbaths and Festivals from Minchah and onward, so that he may enter [i.e., commence] the Sabbath with an appetite [for food]; [these are] the words of Rabbi Yehudah. Rabbi Yosi said: He

³ L it., 'on the eve of Pesachs'. Tosafos suggests that this may mean either on the eve when pesach-offerings are sacrificed, or on the eve of the first and second Pesachs.

⁴ As a sign of freedom, this being the practice in ancient days.

⁵ Which every Jew must drink on the night of Pesach. These correspond to the four expressions of redemption employed in Parshas Vaera: I will bring you out from under the burdens of the Egyptians, and I will deliver you from their bondage, and I will redeem you with an outstretched arm, and with great judgments; and I will take you to me for a people.

⁶ Daily distributed food collected from contributors, soup kitchen. This was available only to the poorest of the poor, for he who had enough even for two meals only might not receive from the tamchuy; even such must drink four cups of wine on the night of Pesach.

may go on eating until nightfall! — Said Rav Huna: This [our Mishnah] is necessary only on the view of Rabbi Yosi, who said: He may go on eating until nightfall; that is only on the eves of Sabbaths and [other] Festivals; but with respect to the eve of Pesach he agrees [with Rabbi Yehudah], because of the mitzvah of [eating] matzah.⁷ Rav Pappa said: You may even say [that it must be taught on] Rabbi Yehudah [‘s view too]; there, on the eve of Sabbaths and Festivals, it is forbidden only from Minchah and after, but close to Minchah it is permitted; whereas on the eve of Pesach it is forbidden even close to Minchah too. Now is it permitted just before Minchah on the eve of the Sabbath and Festivals? Surely it was taught: A man must not eat on the eve of the Sabbath or Festivals from nine hours⁸ and onwards, in order that he may enter the Sabbath with an appetite; [these are] the words of Rabbi Yehudah. Rabbi Yosi said: He may go on eating until nightfall? — Said Mar Zutra: Who is to tell us that this is authentic? Perhaps it is a corrupted version. Said Mereimar to him — others state, Rav Yeimar; I visited the lecture of Rav Pinchas the son of Rav Ammi, and a Tanna arose and recited it before him and he accepted it [as correct]. If so, there is a difficulty? Hence it is clearly [to be explained] as Rav Huna.⁹ Yet is it satisfactory according to Rav Huna? Surely Rabbi Yirmiyah said in Rabbi Yochanan's name—others state, Rabbi Avahu said in the name of Rabbi Yosi bar Rabbi Chanina — : The halachah is as Rabbi Yehudah in respect to the eve of Pesach, and the halachah is as Rabbi Yosi in respect to the eve of the Sabbath. ‘The halachah is as Rabbi Yehudah in respect to the eve of Pesach, from where it follows that Rabbi Yosi disagrees on both?’¹⁰ - No: ‘The halachah [etc.]’ proves that they disagree in respect to interruption. (99b2 – 100a1)

INSIGHT TO THE DAF

IS EVERYONE REQUIRED TO DRINK FOUR CUPS OF WINE?

⁷ For since the eating of matzah on the first night of Pesach is compulsory, it is unfitting that it should be eaten when one is already satisfied.

⁸ I.e., about three p.m. (when the day is from 6:00 a.m. to 6:00 p.m.), whereas Minchah time was nine and a half hours, about half past three p.m., two and a half hours before nightfall.

Tosfos (DH “Lo Yifchasu”) says that the Mishnah’s statement that the poor person should not receive less than four cups of wine implies that his family can fulfill the mitzva by listening to his blessings. This would be similar to people fulfilling the mitzva of kidush on shabbos, where it is clear that one merely has to listen to the blessing with intent to fulfill the mitzva in order to fulfill the mitzva. They do not have to drink wine.

However, Tosfos points out that the Gemara later (108b) implies that everyone must have their own four cups, as it says that everyone is obligated in four cups, even women and children.

Tosfos agrees that this is not a conclusive proof, as it could mean that they are obligated to listen with intent to fulfill the mitzva of four cups, and not to actually drink them.

In conclusion, Tosfos says that it is appropriate to be stringent and to have everyone have four cups (which is the common practice today).

Making Oneself Sick for a Mitzva

The Shulchan Aruch (O.C. 472:10) rules: “If a person does not usually drink wine because it harms his health, or he detests it, he must still force himself to drink the four cups.” How much bodily harm is a Jew expected to endure, in order to fulfill the mitzva of drinking four cups? Surely he need not risk his life. What if drinking four cups of wine will make him so sick that he will take to bed?

The Besamim Rosh (94) rules that a person need not damage his health so severely for the sake of a positive

⁹ Hence ‘from Minchah’ in the first Baraisa means just before nightfall, and thus the Mishnah and both Baraisos are in agreement.

¹⁰ Whereas in Rav Huna's view Rabbi Yosi agrees in respect of Pesach eve.

commandment. Even if there is no threat to his life, he still need not drink the four cups, or perform any other positive commandment, if this will cause him to be sick in bed.

The Maharam Shik (O.C. 280), on the other hand, rules that a person must drink the four cups no matter how sick it makes him, so long as his life is not at risk.

The Mishna Berura (ibid, s.k. 35) rules that a person who gets headaches and is pained by drinking wine must still drink the four cups. However, if he will become sick and forced to stay in bed, he need not drink.

The Mishna Berura (Shaar HaTzion s.k. 2) explains that during the Pesach Seder we take on the manner of free men, by leaning to the side, drinking wine, and so on. This is in order to celebrate our liberation from Egypt. Since it is not the “manner of free men” to drink until they get sick, we are not required to drink four cups of wine under such conditions. Since the Mishna Berura offered this reasoning, he seems to imply that for other mitzvos, where the manner of free men is not an issue, one would be required to severely damage his health if necessary.

R’ Tzvi Pesach Frank (Mikra’ei Kodosh, Pesach,II:32) rules that this is not so. One is never required to become that sick in order to perform a positive mitzva.

The Mishna Berura introduced the issue of not being the manner of free men, only in order to counter the great importance of the four cups. A poor person is required to beg for money or even sell his clothes in order to procure wine for Seder night. This is in contrast to other positive mitzvos, where there is no such obligation. Therefore one would have thought that he must make himself sick if necessary by drinking the four cups. To counter this assumption, the Mishna Berura explains that it is not the manner of free men to drink until they are sick. Other positive mitzvos, which are less important, certainly would not require one to make himself sick.

If maror makes one sick: As a proof for this, R’ Frank cites the Mishna Berura’s own ruling in regard to eating maror (473, s.k. 43). If a person would get sick from eating a whole *k’zayis* of maror, he may suffice with eating a tiny bit, or at least chewing it, although he does not thereby fulfill his obligation. This is despite the fact that “the manner of free men” does not apply to maror. We see then that a person is not required to make himself sick in order to fulfill a mitzva.

It is important to note that since we have no Korban Pesach today, eating maror is only a Rabbinic commandment. There is still room to argue that for the sake of a Torah commandment, one would be required to make himself sick.

R’ Frank cites an additional proof from R’ S. Kohen of Vilna (Binyan Tzion, 47), who compares the obligation to make oneself sick for the sake of a mitzva, to that of paying large amounts of money. The halacha states that one need not spend more than one fifth of his money in order to perform a positive mitzva. The same is true in regard to one’s health; he need not damage it excessively for the sake of a mitzva.

In conclusion, we note that some contemporary Poskim rule according to the Maharam Shik, that one must make himself sick if necessary in order to perform a positive mitzva (see Shevet HaLevi V, 219).

Eating Matza on Erev Pesach

The chapter Arvei Pesachim begins with a restriction against eating on erev Pesach in the late afternoon. This is to enable us to eat matzos with an appetite on Seder night (Rashi;Rashbam).

Tosefos (s.v. *Lo*) asks what types of foods are included in this restriction. Certainly it does not refer to chametz, which is forbidden by Torah law from noon on erev Pesach. It also does not refer to fruits or meat, which the Gemara (107b) explicitly permits. It also cannot refer to matza; Tosefos cites from the Talmud Yerushalmi that it is strictly forbidden to eat matza on erev Pesach. Tosefos therefore concludes that the

Mishna refers to *matza ashira*, matza made with eggs or fruit juice. This is neither chametz nor matza suitable for Seder night. The Mishna thus comes to teach us that one may not make a meal of *matza ashira* on erev Pesach in the late afternoon.

Bavli vs. Yersuhalmi: Although Tosefos cites from the Yerushalmi that matza is forbidden on erev Pesach, this restriction is not found anywhere in the Talmud Bavli. Tosefos HaRid in fact argues against Tosefos, and rules that we need not follow the Yerushalmi. According to him, one may eat matza on erev Pesach, until the period of late afternoon prescribed in our Mishna. However, the Rambam (Chametz U'Matza 6:12) cites the prohibition and concludes that if a person does eat matza on erev Pesach, he should be beaten until he stops eating or dies. As a reason for the prohibition, the Rambam explains, "Our Sages forbid eating matza on erev Pesach, in order that it be evident that we eat matza at night to fulfill the mitzva."

When does the prohibition begin? The Rema (471:2) rules that one may not eat matza during the entire day of the fourteenth of Nissan. It is unclear whether the "day" here includes the previous night as well, the night of bedikas chametz. The Poskim argue over how to interpret the Rema (see Chok Yaakov 7; Machatzis HaShekel 6). Some understand that the night is included, while others understand that it is not. The Mishna Berura concludes that the prohibition begins from *alos hashachar*, daybreak. One may eat matza the night before Pesach.

How is this night different from all other nights?: R' Chaim Soloveitchik *zt"l* of Brisk cites an interesting proof from the Haggada, where we ask: "Why is this night different from all other nights? On all other nights we eat chametz or matza, but tonight we eat only matza?" May we truly eat chametz or matza on all other nights? What about the night before Pesach? May we eat matza then? From the question asked in the Haggada, it seems that we may eat matza on all other nights (Sefer Zikaron - Eish Tamid).

Some dismiss this proof, based on the Machzor Vitri's explanation of the question; why do we eat chametz or matza on all the other nights of Shabbos or Yom Tov, when we are obligated to eat bread? On the night before Pesach there is no obligation to eat bread. Therefore the question does not include the night before Pesach, and no proof can be brought from here.

Another objection to this proof is based on the opinions that on erev Pesach we may eat matza that is unfit for Seder night, such as matza that was not baked *l'shma*. We ask in the Haggada: why is this night different from all other nights when we may eat chametz or the types of matza that are unfit for Seder night (Ha'Seder Ha'Aruch I, p. 77).

Not eating matza from Rosh Chodesh or even from Rosh Hashana?: The discussion of the night before Pesach addresses the strict borders of halacha. In addition, some have the custom not to eat matza from Rosh Chodesh Nissan (Mishna Berura, *ibid*). The Machatzis HaShekel cites a custom to not even eat matza from Rosh Hashana. However, this is based on a simple misprint of the two-letter acronym of Rosh Chodesh for Rosh Hashana. There is no such custom to refrain from eating matza from Rosh Hashana (see Mechon Yerushalayim printing of Shulchan Aruch, footnotes on Chok Yaakov, *ibid*).

Not eating maror before Pesach: The Rema cites a custom not to eat maror on erev Pesach, in order that one will have an appetite for maror on Seder night. However, the Mishna Berura rejects this custom as being baseless. The Rema also cites a custom not to eat fruit on erev Pesach, in order to eat charoses with an appetite. The Rema himself rejects this custom. Some have the custom to recite portions from the Haggada on Shabbos HaGadol. Yet, when Shabbos HaGadol occurs on erev Pesach, they refrain from doing so. Just as matza should not be eaten on erev Pesach, so too the Haggada should not be recited (Mor V'Ktzia, Siddur BeisYaakov – Yaavetz, cited in Erev Pesach Sh'chal b'Shabbos, p. 145).