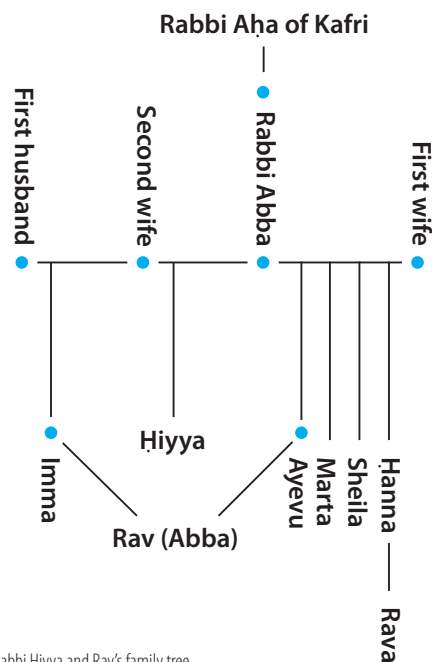


PERSONALITIES

The family of Rabbi Ḥiyya and Rav – משפחת רבי חייא ורב – The diagram presents the lineage of Rav's family over several generations. The patriarch of this family was Abba Karsela, whose son was Rabbi Aḥa from the city of Kafri. Rabbi Aḥa had a son named Rabbi Abba, who married and fathered four children: Ḥanna, Sheila, Marta, and Imma, who according to some commentaries were all women, and Ayevu. Rabbi Abba subsequently married another woman, who had a daughter named Imma from a previous marriage. Rabbi Ḥiyya was Rabbi Abba's son from his second marriage. Rabbi Abba's son from his first marriage, Ayevu, later married his stepsister Imma, Rabbi Ḥiyya's sister from his mother's side. Despite their family ties, this marriage is halakhically permitted. They bore a son and named him Abba, also known as Rav. Incidentally, the other sons also had descendants who were prominent Torah scholars.



Rabbi Ḥiyya and Rav's family tree

HALAKHA

Is Imma alive – אימא קיימת: Although it is not obligatory to inform a person that one of his family members, even one of his parents, has died, if he asks, one should inform him and should not lie. This halakha is based on Rav's statement here (*Beit Yosef* in the name of *Mordekhai*; *Shulḥan Arukh*, *Yoreh De'ea* 402:12).

Wearing shoes is prohibited for a mourner – אביל אסור בנעילת – הסנדל: Wearing leather shoes is prohibited for a mourner. However, if he is walking in a place where there is danger posed by scorpions or disease (*Shakh*) it is permitted to wear shoes (*Shulḥan Arukh*, *Yoreh De'ea* 382:1).

Distant tidings – שמועה רחוקה: If one hears about the death of a relative thirty days or more after he or she has died, the ordinary halakhot of mourning are not in effect. Instead, he mourns for one day, and it is enough if he performs a symbolic gesture of mourning, e.g., removing his shoes or turning over his bed, in accordance with Rabbi Ḥiyya's example (*Shulḥan Arukh*, *Yoreh De'ea* 402:2–3).

The legal status of part of the day is like that of an entire day – מקצת היום ככולו: This principle applies to many areas of halakha, especially the halakhot of mourning. If a mourner practiced the customs of mourning for a portion of the day it is considered as though he observed them for the entire day, in accordance with the actions of Rabbi Ḥiyya (*Shulḥan Arukh*, *Yoreh De'ea* 402:1).

רב בר אחוה דרבי חייא ובר אחתיה. כי סליק להתם אמר ליה: אייבו קיים? אמר ליה: אימא קיימת? אמר ליה: אימא קיימת? אמר ליה: אייבו קיים?

אמר ליה לשמעיה: חלוץ לי מנעלי, והוליד בלי אחרי לבית המרחץ. שמע מינה תלת, שמע מינה: אביל אסור בנעילת הסנדל, ושמע מינה: שמועה רחוקה אינה נוהגת אלא יום אחד, ושמע מינה: מקצת היום ככולו.

ההוא דאמר: דגנו דיני. אמרי: שמע מינה מדין קאתי, דכתיב: "דן ידין עמו כאחד שבטי ישראל".

The Gemara relates: Rav was the son of Rabbi Ḥiyya's half brother and the son of Rabbi Ḥiyya's half sister, as Ayevu, Rav's father, married his own stepsister, Imma.<sup>p</sup> When Rav ascended there, to Eretz Yisrael, Rabbi Ḥiyya said to Rav: Is your father, Ayevu, alive?<sup>n</sup> He said to him, replying with a question: Is your sister, Imma, alive? He said to him: Indeed, is Imma alive?<sup>h</sup> He said to him: Is Ayevu alive? Upon hearing this, Rabbi Ḥiyya understood that both Ayevu and Imma had passed away, and Rav did not wish to say so explicitly.

Rabbi Ḥiyya said to his attendant: Remove my shoes and carry my garments after me to the bathhouse. The Gemara comments: Learn from Rabbi Ḥiyya's instructions three halakhot. Learn from it that wearing shoes is prohibited for a mourner,<sup>hn</sup> which is why he instructed his servant to remove his shoes. And learn from it that for distant tidings<sup>h</sup> mourning is practiced only one day. One who receives tidings of the death of a relative more than thirty days after he died, does not mourn for seven days. The halakhot of mourning apply for only a single day. And learn from it that with regard to the halakhot of mourning, the legal status of part of the day is like that of an entire day.<sup>hn</sup> The Gemara derives this halakha from the fact that Rabbi Ḥiyya removed his shoes and immediately thereafter went to the bathhouse, an act that is prohibited for a mourner. He was permitted to do so because the restrictions of the mourning period were no longer in effect after briefly going without shoes.

With regard to the precision required in language, the Gemara relates: A certain man would regularly say whenever involved in conflict: Adjudicate my case [*dunu dini*].<sup>n</sup> The Sages said: Learn from it that he descends from the tribe of Dan, as it is written: "Dan will judge [*yadin*] his people like one of the tribes of Israel" (Genesis 49:16). He expressed himself that way due to his lineage.

NOTES

Is Ayevu alive – אייבו קיים: See the two explanations in Rashi. See also *Tosafot*, who cite Rabbeinu Ḥananel's alternative version and corresponding explanation of this story. One issue that differs in the variant readings of the incident is whether Rabbi Ḥiyya asked Rav about his own parents, i.e., Rav's grandparents, or about Rav's parents, i.e., Rabbi Ḥiyya's half brother and half sister. Part of the difficulty in deciphering this incident stems from the fact that *Abba*, which appears in some texts instead of *Ayevu*, and *Imma* could be either titles for parents or first names. According to Rabbeinu Ḥananel, Rav responded by referring to people who were still alive, i.e., his own parents, avoiding any mention of those who died, i.e., Rabbi Ḥiyya's parents, in order to avoid relating bad news explicitly (*Tosefot Rabbeinu Peretz*).

Wearing shoes is prohibited for a mourner – אביל אסור בנעילת הסנדל: Although this halakha is well known, as the Gemara (*Mo'ed Katan* 15b) derives it from Ezekiel 24:17, it can be inferred from Rabbi Ḥiyya's actions that although one who

receives distant tidings does not practice all the customs of mourning, it is appropriate to practice those which directly affect his body (*Ritva*).

Part of the day is like that of an entire day – מקצת היום ככולו: Although the Gemara could have simply stated that in this situation one mourns only for a brief period, it cites the principle: The legal status of part of the day is like that of an entire day, because it is a significant principle in the halakhot of mourning (*Ritva*).

Adjudicate my case – דגנו דיני: Some commentaries explain that this man would often say: Adjudicate my case, as an oath or an incantation before he set out to do anything. Elsewhere, the Sages say that this practice contains an element of the ways of the Amorites, i.e., superstitious gentile practices, and might even constitute idolatry (*Shabbat* 67a–b). Therefore, the Sages investigated his background and discovered that he would speak in this manner because he descended from the tribe of Dan (based on the *geonim*, cited in the *Me'iri*).

Cypresses – **בִּירְאָתָא**: The species of cypress that is native to the Mediterranean region is the Mediterranean cypress, also known as *Cupressus sempervirens*. It is a medium-sized evergreen tree with a conic crown with level branches and variably loosely hanging branchlets. It is very long-lived, with some trees reported to be over a thousand years old.



Mediterranean cypresses in Israel

## HALAKHA

**Time of circumcision – מִן מִילָה** – A father may perform circumcision anytime during the entire eighth day of his son's life. However, it is a mitzva to be diligent and perform it early in the day (*Shulhan Arukh, Yoreh De'a 262:1*).

**Torah study on the evening of the fourteenth – לִימּוּד בְּאוֹר** – **לְאַרְבַּעָה עָשָׂר**: One should not begin to study Torah on the evening of the fourteenth of Nisan before searching for leaven, even if he regularly studies at that time every day, in accordance with the opinion of Abaye. With regard to one who began studying before it grew dark, some authorities rule that he is not required to stop (*Beit Yosef*, based on Rabbeinu Yona), while others rule that he must interrupt his studies (Rema, based on the *Tur*). One who participates in a Torah lecture in the synagogue is permitted to do so even at that hour, as it will eventually end and he can then proceed to conduct the search (*Be'er Heitev*). Even in that case he should not engage in intensive study, lest he become preoccupied and forget to search for leaven (*Magen Avraham; Shulhan Arukh, Orah Hayyim 431:2*).

ההוא דהוה קא אזיל ואמר: אכפיו ימא אסיקני ביראתא. בדקו ואשכחוהו דמזבולון קאתי, דכתיב: "זבולון לחוץ למים ישכון".

The Gemara relates a similar incident: **A certain man would regularly walk and say: The bushes on the seashore are cypresses<sup>BN</sup> (*ge'onim*), i.e., items located by the sea are more beautiful than those found in other places. They examined his lineage and found that he descends from the tribe of Zebulun, as it is written: "Zebulun shall dwell by the seashore" (Genesis 49:13).** That explains his love of all things close to the sea.

והשתא דקיימא לן דלכולי עלמא אור אורתא הוא. מכדי בין לרבי יהודה ובין לרבי מאיר חמץ אינו אסור אלא משש שעות ולמעלה, ונבדוק בשית!

The Gemara returns to the issue of the search for leaven. **And now that we maintain that everyone agrees the word *or* in the mishna is evening, consider the following: After all, both according to the opinion of Rabbi Yehuda and according to that of Rabbi Meir, who disagree with regard to the deadline decreed by the Sages to remove all leaven, it is prohibited to derive benefit from leavened bread by Torah law only from the sixth hour of the day and onward. And if so, let us search for leaven at six hours of the day, and eliminate the leaven at that point.**

וכי תימא: זרזין מקדימין למצות – נבדוק מצפרא! דכתיב: "וביום השמיני ימול בשר ערלתו" ותנא: כל היום כולו כשר למילה, אלא שזרזין מקדימין למצות, שנאמר: "וישכם אברהם בבקר".

**And lest you say that this *halakha* is in accordance with the principle that the vigilant are early in the performance of mitzvot, let us search in the morning.** The principle: The vigilant are early in the performance of mitzvot, is derived, as it is written: **"And on the eighth day the flesh of his foreskin shall be circumcised"** (Leviticus 12:3). **And it was taught in a *baraita*: The entire day is suitable for performance of the mitzva of circumcision; however, the vigilant are early in the performance of mitzvot, and circumcise in the morning.<sup>H</sup> As it is stated with regard to the binding of Isaac: "And Abraham arose early in the morning"** (Genesis 22:3) after hearing God's command. This indicates that Abraham arose early in his eagerness to perform God's commandment.

אמר רב נחמן בר יצחק: בשעה שבני אדם מצויין בבתיהם, ואור הנר יפה לבדיקה.

The Gemara cites an answer to its initial question of why the search for leaven is not conducted in the morning. **Rav Nahman bar Yitzhak said: One searches for leaven in the evening as it is a time when people are found in their homes, and they have the opportunity to perform the search. And furthermore, the light of the lamp is favorable for conducting a search specifically at night. As the search is conducted with a lamp, it is preferable to search at night.<sup>N</sup>**

אמר אבוי: הילכך, האי צורבא מרבנן לא לפתח בעידיה באורתא דתליסר דנגהי ארביסר, דלמא משכא ליה שמיעיה ואתי לאימונעי ממצוה.

**Abaye said: Therefore,<sup>N</sup> in light of the above *halakha*, a Torah scholar should not begin his regularly scheduled period of Torah study<sup>N</sup> in the evening at the conclusion of the thirteenth of Nisan that is the evening of the fourteenth,<sup>H</sup> as perhaps he will become engrossed in the *halakha* he is studying and will come to be prevented from performing the mitzva of searching for leaven.**

## NOTES

**The bushes on the seashore are cypresses – אכפיו ימא**: Some commentaries explain that he would say: On the seashore one finds only cypress trees. He would regularly issue statements to this effect, meaning that in all places one should expect to find only objects that are usually there (*ge'onim*).

**The search for leaven on the evening of the fourteenth – בדיקה באור**: The two reasons mentioned in the Gemara are complementary. In other words, even if a person is at home during the day, or if his house is dark and he could theoretically search by candlelight during the day, he should nevertheless fulfill both criteria and conduct the search at the proper time (Rabbi Yonatan). In the Jerusalem Talmud another reason was provided. The verse states: "And

you shall observe this day" (Exodus 12:17), indicating that the entire day of the fourteenth should be devoted to the elimination of leaven, including the night before.

**Therefore – הילכך**: In other words, although it was already stated in the mishna that one searches for leaven in the evening, this does not necessarily mean that that this obligation overrides the mitzva of Torah study. The Gemara therefore informs us that there is a unique obligation to search for leaven at this particular time (Rabbi Elazar Moshe Horowitz).

**Begin his regularly scheduled period of Torah study – לפתח בעידיה**: Some commentaries say that it is only prohibited to begin studying a new tractate, as due to the difficulty one will be preoccupied and fail to perform the search for leaven (Rabbi Yitzhak ibn Giat).

NOTES

**Lessor and lessee – משכיר ושוכר:** Some commentaries suggest that both the lessor and the lessee are exempt by Torah law, for different reasons. The lessor is exempt due to the fact that the property is not in his possession, while the lessee is exempt because the leaven does not belong to him. According to this opinion, the entire discussion is referring only to their obligations by rabbinic law (Rabbeinu Gershom).

**Mezuzah – מזוזה:** The obligation to affix a *mezuzah* is incumbent upon one who lives in a house that he owns. The Sages extended this obligation to one who establishes residence in a house that belongs to someone else (*Tosefot Rabbeinu Peretz*).

HALAKHA

**The obligation to affix a mezuzah – חובת מזוזה:** A renter is required to affix a *mezuzah* to the doorpost of the house he is renting, as it is the resident who is obligated to affix the *mezuzah* (*Shulhan Arukh, Yoreh De'ah 291:2*).

**The obligation to search for leaven – חובת בדיקת חמץ:** If the owner of a house who lets it to another delivered the keys to the lessee before the evening of the fourteenth of Nisan, the lessee is obligated to search for leaven. If the keys were delivered afterward, the lessor is obligated to perform the search (*Shulhan Arukh, Oraḥ Hayyim 437:1*).

בעו מיניה מרב נחמן בר יצחק: המשכיר בית לחבירו בארבעה עשר, על מי לבדוק? על המשכיר לבדוק – דחמירא דידיה הוא, או דלמא על השוכר לבדוק – דאיסורא ברשותיה קאי? תא שמע: המשכיר בית לחבירו – על השוכר לעשות לו מזוזה.

התם, הא אמר רב משרשיא: מזוזה חובת הדר היא, הכא מאי אמר להו רב נחמן בר יצחק, תנינא: המשכיר בית לחבירו, אם עד שלא מסר לו מפתחות חל ארבעה עשר – על המשכיר לבדוק, ואם משמסר לו מפתחות חל ארבעה עשר על השוכר לבדוק.

בעו מיניה מרב נחמן בר יצחק: המשכיר בית לחבירו בארבעה עשר, חזקתו בדוק או אין חזקתו בדוק? למאי נפקא מינה? לישויליה! דליתיה להאי דלשויליה, לאטרוחי להאי מאי?

אמר להו רב נחמן בר יצחק, תניתוה: הכל נאמנים על ביעור חמץ, אפילו נשים אפילו עבדים אפילו קטנים. מאי טעמא מהימני –

They raised a dilemma before Rav Nahman bar Yitzhak: With regard to one who lets a house to another on the fourteenth of Nisan, upon whom is it incumbent to search for leaven? Is it incumbent upon the lessor to search for leaven, as the leavened bread is his; or is it perhaps incumbent upon the lessee to search, as the source of the prohibition is in his domain since he will be living in the house during Passover?<sup>N</sup> He answered: Come and hear an answer from a *baraita*: With regard to one who lets a house to another, the obligation is upon the lessee to affix a *mezuzah*<sup>N</sup> for it. Apparently, the person renting the house is obligated to perform the mitzvot connected to the house.

The Gemara rejects this proof: There, in the case of *mezuzah*, didn't Rav Mesharshiya say: Affixing a *mezuzah* is the obligation of the resident?<sup>H</sup> The fact is that the owner of an uninhabited house is not obligated to affix a *mezuzah* to its doors. If so, the question remains, what is the *halakha* here? Rav Nahman bar Yitzhak said to them that we already learned the resolution to this dilemma in a *baraita*: One who rents a house to another, if before he delivered the keys to the renter the fourteenth of Nisan began, the obligation is upon the lessor to search for leaven. And if it was after he delivered the keys to him that the fourteenth began, the obligation is upon the lessee to search for leaven.<sup>H</sup>

They raised another dilemma before Rav Nahman bar Yitzhak: With regard to one who lets a house to another on the fourteenth of Nisan, is its presumptive status that it has been searched or is it not its presumptive status that it has been searched? The Gemara asks: What is the practical difference between these possibilities? Let him ask the owner of the house. The Gemara responds: The situation here is one where the owner is not here to ask him. The dilemma is whether or not to impose upon the renter to search for the leaven. What is the *halakha*?

Rav Nahman bar Yitzhak said to them that we already learned the resolution to this dilemma based on a related *baraita*: Everyone is believed to provide testimony about the elimination of leavened bread; even women, even slaves, and even minors. Although these people are typically not relied upon to deliver testimony, they are believed when they provide testimony that they have eliminated leaven. The Gemara asks: What is the reason that they are believed?

Perek I  
Daf 4 Amud b

NOTES

**Haverim – חברים:** The *haverim* were members of a group or class of people that were meticulous in their observance of several mitzvot that most common people [*amei ha'aretz*] were not meticulous in observing. One who sought to enter a society of that kind had to formally accept its practices in the presence of three other members, who served as a kind of court for this purpose. The main emphasis of these groups was the strict observance of the *halakhot* of *teruma* and tithes and careful adherence to the *halakhot* of ritual purity, to the extent that they would eat even non-sacred food in a state of ritual purity. As a rule, a Torah scholar was typically a *haver*, but a *haver* was not necessarily a Torah scholar. Acceptance as a member of this group removed an individual from the category of a common, uneducated person, and his statements with regard to tithes and ritual purity were deemed reliable. In later generations, the term took on a more restricted meaning and was used to refer only to prominent scholars.

**Even only that day – אפילו... בני יומן:** In the Jerusalem Talmud, this case is restricted to one involving a *haver* who died with a clear mind and could therefore have tithed the produce himself or appointed an agent to do so on his behalf.

לא משום דחזקתו בדוק? דקסבר: הכל חברים הם אצל בדיקת חמץ. דתנינא: חבר שמת והניח מגורה מליאה פירות, אפילו הן בני יומן – הרי הן בחזקת מתוקנים.

Isn't it due to the fact that the presumptive status of the house is that it has been searched, as this *tanna* maintains: All are considered *haverim*<sup>N</sup> with regard to the search for leavened bread. A *haver* is one with the presumptive status of trustworthiness with regard to a given matter, e.g., ritual purity and impurity, tithes, etc. In this case, since everyone has *haver* status with regard to searching for leaven, everyone is deemed trustworthy to have performed the requisite action. As it was taught in a *baraita*: With regard to a *haver* who died and left a storehouse filled with produce,<sup>H</sup> even if the produce was there only that day,<sup>N</sup> the fruit has the presumptive status of produce that was ritually prepared, i.e., tithed, as there is no doubt that the *haver* tithed his produce before he died. The same applies to the search for leaven: All are considered *haverim* and are believed.

HALAKHA

A *haver* who died and left a storehouse filled with produce – חבר שמת והניח מגורה מליאה פירות: If a *haver* who is known to have been scrupulous about separating *terumot* and tithes died and left a storehouse full of produce, it has the presumptive status of having been tithed, even if it came into his possession on the day he

died. The reason is that a *haver* would not allow produce that had not been properly tithed to become available to others. This is the *halakha* provided that he died with all of his intellectual capabilities intact (Jerusalem Talmud). This ruling is in accordance with the *baraita* cited here (Rambam *Sefer Zera'im, Hilkhot Ma'aserot* 10:2).



Presumptive status with regard to the search for leaven – חֲזָקַת בְּדִיקַת חֻמֶּץ: With regard to one who rents a house on the fourteenth of Nisan, it can be assumed that the search for leaven has already been performed and the renter need only nullify in his heart any leaven that might remain in the house. This ruling is in accordance with the opinion of Rav Nahman bar Yitzhak. Although the Gemara rejected his proof, since the search for leaven is a rabbinic enactment one can rely on his opinion (*Beit Yosef, Shulhan Arukh, Orach Hayyim* 437:2).

Credibility with regard to the search for leaven – נֶאֱמָנִים: If a woman, slave, or minor claimed that he or she searched for leaven, even in a house whose presumptive status is not that it was searched, the person is believed. According to the Rambam, the minor referred to here is one capable of conducting the search, whereas the later commentaries maintain that it refers to a minor who has reached the age of training in mitzvot (*Shulhan Arukh, Orach Hayyim* 437:4).

וממאי דילמא שאני הכא משום דקאמרי הני אטו אמירה דהני מידי מששא אית ביה?

The Gemara challenges this claim: **And from where** can this be proven? It is possible that in general a house does not have presumptive status that it was searched, and **perhaps it is different here, due to the fact that these people**, e.g., a woman, slave, or minor, expressly stated that they conducted the search. Perhaps that is why the house is considered to have been searched. The Gemara rejects this contention: **Is that to say that there is any substance in the statement of these people?** Since the testimony of all these is disqualified, they lack credibility, and their statements are not reliable. Instead, the reason that there is no need to search the rented property for leaven must be because of the presumption that it has already been searched.

אלא מאי – דחזקתו בדוק, האי "הכל נאמנים"? כל הבתים בחזקת בדוקין בארבעה עשר מיבעי ליה!

The Gemara retorts: **Rather, what is the reason** that one need not search the rented property for leaven? Is it due to the fact that its presumptive status is that it has been searched? If so, this statement should not read: **Everyone is believed**, as women, slaves, or minors themselves have no credibility. **It should have been formulated:**<sup>N</sup> With regard to all houses on the fourteenth, their presumptive status is that they have already been searched, as that is the actual rationale for the lenient ruling.

אלא מאי – משום אמירה דהני, האי לא אמרי הני – לא, תפשוט מיניה דאין חזקתו בדוק!

The Gemara rejects this contention: **Rather, what is the alternative?** Is it that this *halakha* is due to the statement of these people, and by inference, **if these people do not say** that the house has been searched, then **no**, it cannot be assumed that it was searched? If so, **resolve the original dilemma from here**, as this is proof that the presumptive status of the house is not that it has been searched, unless someone explicitly states that this is the case.

לא, לעולם אימא לך חזקתו בדוק, והכא במאי עסקינן – דמוחזק לן דלא בדק, וקאמרי הני בדקיניה. מהו דתימא: לא להימניהו רבנן, קא משמע לן: בין דבדיקת חמץ מדרבנן הוא, דמדאורייתא בביטול בעלמא סגי ליה – הימניהו רבנן בדרבנן.

The Gemara rejects this conclusion: **No, actually I can say to you that** on the fourteenth its presumptive status is that it has been searched,<sup>H</sup> **and with what case are we dealing here?** This *halakha* is referring to a situation where our presumption is that the owner did not search the house, and these women, slaves, or minors say: **We searched it.**<sup>N</sup> **Lest you say that the Sages do not believe them**, as they are unfit to testify, the *baraita* therefore teaches us that since the search for leavened bread is an ordinance by rabbinic law, as by Torah law mere nullification of one's ownership before the prohibition of the leaven takes effect is sufficient,<sup>N</sup> the Sages believe them with regard to an ordinance instituted by rabbinic law.<sup>HN</sup>

איבעיא להו: המשכיר בית לחבירו בחזקת בדוק, ומצאו שאינו בדוק מהו? מי הוי במקח טעות, או לא?

A dilemma was raised before the Sages: With regard to one who lets a house to another for Passover, with the presumptive status that it was searched, and the lessee discovered that it was not searched, what is the *halakha*? **Is it considered a mistaken transaction**, and the renter can abrogate the deal, claiming that he agreed on the basis of his belief that the property had already been searched? **Or no**, it is not considered a mistaken transaction?

NOTES

It should have been formulated – מיבעי ליה: This explanation is significant because it is both a greater novelty and a more general principle than merely stating that in this case women, slaves, and minors are believed (Maharam Halawa).

These say, we searched it – וקאמרי הני בדקיניה: Some commentaries punctuate the phrase differently. It is not that the women, slaves, and minors say: We searched it, rather, that they, i.e., those fit to testify, say that women, slaves, and minors searched the house, so its presumptive status is that it has been searched (Rashash). A variant reading of the text states the opposite: These women, slaves, and minors say that he, an adult male, searched the house for leaven (Ra'avad).

By Torah law mere nullification is sufficient – בביטול בעלמא: There is a fundamental dispute here between Rashi and *Tosafot* with regard to the essence of the nullification of leaven. Is it a form of renunciation of ownership or is it an independent halakhic category? According to Rashi, as it is prohibited to derive benefit from leaven, it has no monetary value and therefore is not subject to ownership. Renouncing

ownership over an item that is not subject to ownership is pointless and, therefore, with regard to leaven on Passover, ineffective. Despite the lack of formal ownership, the Torah places the leaven into one's property, as he has it in mind to eat it. By nullifying the leaven, he declares that he no longer has it in mind and renders the status of the leaven like the dust of the earth (Ramban).

The Sages believe them with regard to rabbinic law – רבנן בדרבנן: Some commentaries explain that although women and minors are generally believed concerning mitzvot in which they are obligated (see *Tosafot*), this case is different, as the mitzva to search for leaven is incumbent on the owner of the house. Consequently, they have credibility only because the search is a rabbinic obligation (*Tosefot Rid*). Others cite the explanation in the Jerusalem Talmud that the testimony of a woman, in contrast to that of a minor or a slave, is accepted like that of a single witness with regard to matters other than formal testimony before the court (*Mikhtam*). Yet others explain that the testimony of women is generally not accepted, even with regard to rabbinic matters (Rosh).

NOTES

A person prefers to perform the mitzva with his money – נִתְּחַת לֵיהּ לְאִינִישׁ לְקַיְוֵי מִצְוֵה בְּמִמּוֹנֵיהּ: Even if one explicitly says he does not wish to perform a mitzva with his money, his intention is rendered irrelevant by the consensus, as most people wish to perform mitzvot themselves (Rabbi Yonatan). Even though earlier a theory was suggested that the Sages did not impose upon a person to spend his money, here it is a small sum. In addition, in this case, perhaps he does not consider it an imposition (Maharam Ḥalawa).

Some explain that this applies only in a case where one rented the house without stipulation. However, if there was a specific stipulation in the rental agreement that the house was searched, and it was not searched, the rental agreement is void (Maharam Ḥalawa). Others explain that even in that case the agreement is not void. The fact that the renter must pay for the search is only because the landlord is away. When the landlord returns, he will reimburse the lessee. According to this explanation, the phrase: A person prefers to perform a mitzva with his money, refers to performing a mitzva in a residence that he purchased with his money (Korban Netanel). Others say that the lessee cannot demand reimbursement from the landlord because the landlord did not benefit at all from the search that was conducted.

From the sixth hour and onward – מִשֵּׁשׁ שָׁעוֹת וְלַמַּעֲלָה: Some commentaries explain that this is referring to the mitzva to remove leaven from his property (Rabbi Zerahya HaLevi; *Tosefot Rabbeinu Peretz*). Others claim that it is referring to the prohibition against eating leaven, and that this is the *halakha* even according to Rabbi Shimon (Maharam Ḥalawa).

HALAKHA

A mistaken transaction with regard to the search for leaven – מִקַּח טְעוֹת בְּבִדּוּקָה: With regard to one who rents out a house, the presumptive status of which is that it was searched, and it turns out that the house had not been searched, this is not considered a mistaken transaction and the lessee must conduct the search for leaven. This ruling applies even in a place where people pay others to conduct the search on their behalf. Some authorities say that the lessor is required to reimburse the lessee for the cost of searching the house (*Maggid Mishne; Shulḥan Arukh, Orach Ḥayyim 437:3*).

תָּא שָׁמַע, דְּאָמַר אַבְיֵי: לֹא מִיבְעִינָא בְּאַתְרָא דְּלֹא יְהִי אַגְרָא וּבְדִקּוֹ – דְּנִתְּחַת לֵיהּ לְאִינִישׁ לְקַיְוֵי מִצְוֵה בְּגוּפֵיהּ, אֲלֵא אֲפִילוּ בְּאַתְרָא דִּיהִבֵּי אַגְרָא וּבְדִקּוֹ – דְּנִתְּחַת לֵיהּ לְאִינִישׁ לְקַיְוֵי מִצְוֵה בְּמִמּוֹנֵיהּ.

תַּנּוּן הָתָם, רַבִּי מֵאִיר אָמַר: אוֹכְלִין כָּל חֲמִשׁ וְשׁוֹרְפִין בְּתַחֲלַת שָׁשׁ. רַבִּי יְהוּדָה אָמַר: אוֹכְלִין כָּל אַרְבַּע, וְתוֹלִין כָּל חֲמִשׁ, וְשׁוֹרְפִין בְּתַחֲלַת שָׁשׁ. דְּכֹוֹלֵי עֲלָמָא מִיָּהָא חֲמִץ מִשֵּׁשׁ שָׁעוֹת וְלַמַּעֲלָה אָסוּר, מִנְּלָן?

אָמַר אַבְיֵי: תְּרֵי קָרְאֵי בְּתִיבֵי, כְּתִיב: “שִׁבְעַת יָמִים שְׂאוֹר לֹא יִמְצָא בְּבֵיתְכֶם,” וְכְתִיב: “אֲךָ בַּיּוֹם הָרִאשׁוֹן תִּשְׁבִּיתוּ שְׂאוֹר מִבְּתֵיכֶם.” הָא בִּיצֵדוֹ לְרִבּוֹת אַרְבַּעַה עָשָׂר לְבִיעוֹר.

וַאֲיָמָא: לְרִבּוֹת לַיְלֵי חֲמִשָּׁה עָשָׂר לְבִיעוֹר, דְּסִלְקָא דְּעֵתְךָ אֲמִינָא: יָמִים כְּתִיב, יָמִים – אִין, לַיְלוֹת – לֹא, קָא מִשְׁמַע לָן: אֲפִילוּ לַיְלוֹת, הֵוּא לָא אִינְטְרִיקָא לֵיהּ,

The Gemara suggests: **Come and hear** a resolution to this dilemma, as Abaye said: **Needless to say, that in a place where people typically do not pay a wage and hire others to conduct the search for leaven and everyone searches himself, a person prefers to fulfill the mitzva himself. However, even in a place where people pay a wage and have others search for leaven, it is not a mistaken transaction due to the fact that a person prefers to perform the mitzva with his own money.**<sup>N</sup> Consequently, it is not considered a mistaken transaction, as a person does not object to having to perform a mitzva.<sup>H</sup>

We learned in a mishna there, that Rabbi Meir says: **One may eat leaven on the fourteenth day during the entire first five hours of the day, and he burns the leaven at the beginning of the sixth hour. Rabbi Yehuda says: One may eat leaven for the entire first four hours of the day, and one leaves it in abeyance during the fifth hour, at which point eating leaven is prohibited but it need not be burned yet, and one burns the leaven at the beginning of the sixth hour. Everyone agrees, in any case, that leavened bread is prohibited by Torah law from the sixth hour and onward.**<sup>N</sup> From where do we derive this?

Abaye said: **Two verses are written**, and the *halakha* is derived by comparing them. **It is written** in one verse: “**Seven days, leaven shall not be found in your houses**” (Exodus 12:19), indicating that throughout these seven days it is prohibited to maintain leaven in one’s house. **And it is written** in another verse: “**Yet on the first day you shall remove leaven from your houses**” (Exodus 12:15), indicating that one must remove the leaven on the first day, after the Festival has begun. **How can this** apparent contradiction be resolved? The Gemara responds: The latter verse comes to **include the fourteenth day** of Nisan with regard to the **elimination** of leaven. The phrase: **On the first day**, does not refer to the fifteenth of Nisan or to the beginning of the festival of Passover. It is referring to the fourteenth, the day on which the Paschal lamb is slaughtered.

The Gemara asks: **And say perhaps**, that the verse comes to **include the night of the fifteenth**, the first night of Passover, with regard to the **elimination** of leaven. **As**, were it not for this verse, **it could enter your mind to say**: **Seven days is written**, which indicates by inference: During the **days**, **yes**, one is obligated to remove leaven, but during the **nights**, **no**, there is no requirement to do so. Therefore, the verse **teaches us**: On the first day, one may not be in possession of leaven **even** during the **nights**. The Gemara rejects this suggestion: **That halakha was not necessary** to be derived by the Sages, as it can be learned from another source.

Perek I  
Daf 5 Amud a

דְּהָא אֵיתְקַשׁ הַשְּׁבִתַת שְׂאוֹר לְאַכִּילַת חֲמִץ, וְאַכִּילַת חֲמִץ לְאַכִּילַת מִצְוֵה.

The time for the removal of leaven is juxtaposed to the time when the eating of leavened bread is prohibited. When the prohibition against eating leaven goes into effect, the obligation to remove leaven is in effect as well. **And furthermore**, the time of the prohibition against the eating of leavened bread is juxtaposed to the time for the eating of *matza*, as its prohibition takes effect from the time that the mitzva to eat *matza* takes effect.

הַשְּׁבִתַת שְׂאוֹר לְאַכִּילַת חֲמִץ – דְּכְתִיב: “שִׁבְעַת יָמִים שְׂאוֹר לֹא יִמְצָא בְּבֵיתְכֶם כִּי כָּל אִכְל מִחֲמֻצַת וְנִכְרְתָה.”

The Gemara elaborates: **The removal of leaven is juxtaposed to the eating of leavened bread**, as they appear in the same verse, as it is written: “**Seven days leaven shall not be found in your houses, as anyone who eats that which is leavened, that soul shall be cut off from the congregation of Israel**” (Exodus 12:19).