

NOTES

A person prefers to perform the mitzva with his money – נִתְחַא לִיה לְאִינִישׁ לְקִיּוּמֵי מַצּוֹה בְּמִמּוּנִיהּ: 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 שְׁמַע, דְּאָמַר אַבְיִי: לָא מִיבְעִינָא בְּאַתְרָא דְלֵא יְהִי אַגְרָא וּבְדָקוּ – דְּנִתְחַא לִיה לְאִינִישׁ לְקִיּוּמֵי מַצּוֹה בְּגוּפִיהּ, אֲלֵא אֲפִילוּ בְּאַתְרָא דִּיהִבֵּי אַגְרָא וּבְדָקוּ – דְּנִתְחַא לִיה לְאִינִישׁ לְקִיּוּמֵי מַצּוֹה בְּמִמּוּנִיהּ.

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.^N Consequently, it is not considered a mistaken transaction, as a person does not object to having to perform a mitzva.^H

תַּנּוּן הָתָם, רַבִּי מֵאִיר אֹמַר: אוֹכְלִין כָּל חֲמִשׁ וְשׁוּרְפִין בְּתַחֲלֹת שֵׁשׁ. רַבִּי יְהוּדָה אֹמַר: אוֹכְלִין כָּל אַרְבַּע, וְתוֹלִין כָּל חֲמִשׁ, וְשׁוּרְפִין בְּתַחֲלֹת שֵׁשׁ. דְּכֹלֵי עֲלָמָא מִיָּהָא חֲמִץ מִשֵּׁשׁ שָׁעוֹת וְלַמַּעֲלָה אָסוּר, מִנְלָן?

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.^N From where do we derive this?

אָמַר אַבְיִי: תְּרֵי קְרָאֵי בְּתִיבֵי, כְּתִיב: “שִׁבְעַת יָמִים שְׂאוֹר לֹא יִמְצָא בְּבֵתְכֶם,” וְכְתִיב: “אֲךָ בַּיּוֹם הָרִאשׁוֹן תִּשְׁבִּיתוּ שְׂאוֹר מִבְּתֵיכֶם.” הָא בִּיצֵד? לְרִבּוֹת אַרְבַּעַה עָשָׂר לְבִיעוּר.

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.

וְאִימָא: לְרִבּוֹת לַיְלֵי חֲמִשָּׁה עָשָׂר לְבִיעוּר, דְּסֻלְקָא דְעֵתְךָ אָמִינָא: יָמִים כְּתִיב, יָמִים – אִין, לַיְלוֹת – לֹא, קָא מִשְׁמַע לָן: אֲפִילוּ לַיְלוֹת. הֵהוּא לָא אִיבְטְרִיכָא לִיה.

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 לְאֹכִילַת חֲמִץ, וְאֹכִילַת חֲמִץ לְאֹכִילַת מַצָּה.

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 לְאֹכִילַת חֲמִץ – דְּכְתִיב: “שִׁבְעַת יָמִים שְׂאוֹר לֹא יִמְצָא בְּבֵתְכֶם כִּי כָּל אִכַּל מִחֻמֶּצֶת וְנִכְרְתָהּ.”

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).

Yet divides – אַךְ חֵלֵק: The word yet [*akh*] connotes limitation or exclusion, but see the Jerusalem Talmud at the beginning of tractate *Pesahim*. However, another difficulty remains: What leads to the conclusion that the word yet limits consumption of leaven specifically until midday rather than any other time? See Rashi, who answers this question by means of a calculation of the letters of the Hebrew alphabet using the method *alef-ḥet-samekh, beit-tet-ayin*, etc., where one substitutes the Hebrew letter with the letter that appears seven letters later in the Hebrew alphabet. The word *akh*, spelled *alef, kaf*, becomes *het, tzadi*, meaning half. Others explain that *akh* indicates that in this case one does not count the hours of the day from the evening, as is the case in most *halakhot*. Rather, one calculates the day as astronomers do, beginning at midday (*Me'iri*, in the name of his teachers).

As *rishon* means previous – ראשון דְּמַעֲקָרָא מְשֻׁמַע: In his commentary on the Torah, Rashi combines the explanations of Rav Nahman bar Yitzhak and Rava, asserting that the two opinions are interdependent. Without Rava's opinion, Rav Nahman bar Yitzhak would be unable to derive from the term *harishon* any *halakha* beyond its plain meaning (Maharsha; see also *Tosefot Rabbeinu Peretz*).

וְאֹכִילֹת חֶמֶץ לֹא־תֹאכְלוּ מִצֵּה – דְּכַתְּיב: “כָּל מִחְמָצָת לֹא תֹאכְלוּ בְּכָל מוֹשְׁבֵי־תֵיכֶם תֹּאכְלוּ מִצוֹת (וגו’), וְכַתְּיב בֵּיהּ בְּמִצֵּה: “בְּעֶרְבַת תֹּאכְלוּ מִצוֹת.”

And the prohibition against the eating of leavened bread is juxtaposed to the eating of *matza*, as both appear in the same verse, as it is written: “You shall not eat anything that is leavened; in all of your dwellings you shall eat *matzot*, etc.” (Exodus 12:20), and it is written with regard to *matza*: “On the first day, on the fourteenth day in the evening you shall eat *matzot*” (Exodus 12:18). Since the *halakha* that leaven is prohibited on the first night of Passover is derived from this source, there is no need for an additional derivation.

וְאִמָּא לְרִבּוֹת לַיִל אַרְבַּעַה עָשָׂר לְבִיעוּרָא! בְּיוֹם כְּתִיב.

The Gemara asks: And say that the verse: “Yet on the first day you shall remove leaven from your houses” comes to include the night of the fourteenth in the obligation to remove leaven, which would mean that one must remove all leaven from his house on the night of the fourteenth. The Gemara rejects this suggestion: That is not possible, as “on the day” is written.

וְאִמָּא מִצְפָּרָא! “אַךְ” חֵלֵק.

The Gemara continues to ask: And say that leaven must be removed immediately from the morning of the fourteenth. The Gemara answers: That is also incorrect, as the verse says, “Yet on the first day”; and the word yet divides.ⁿ The connotation of the word yet is one of restriction. In this context, it teaches that leaven is prohibited not for the entire day, but only for part of it. One is obligated to remove leaven only for the second half of the fourteenth of Nisan, not for the first half of the day.

דְּבִי רַבִּי יִשְׁמַעְאֵל תִּנָּא: מְצִינּוּ אַרְבַּעַה עָשָׂר שְׁנֵיקְרָא רֵאשׁוֹן, שְׁנֵיקְרָא מִצְפָּרָא בְּאַרְבַּעַה עָשָׂר יוֹם לְחֹדֶשׁ. רַב נַחְמָן בְּרִי יִצְחָק אָמַר: רֵאשׁוֹן – דְּמַעֲקָרָא מְשֻׁמַע, דְּאָמַר קָרָא: “הָרֵאשׁוֹן אָדָם תִּגְלֹד.”

The school of Rabbi Yishmael taught: We found that the fourteenth day is called: First, as it is stated: “On *harishon*, on the fourteenth day of the month” (Exodus 12:18). Rav Nahman bar Yitzhak said: It is evident from the verse itself that it is referring to the removal of leaven on the fourteenth, as *rishon* means previous.ⁿ In this context, first means the day that precedes the others, i.e., the day before the Festival begins, as the verse stated: “Are you first [*rishon*] man born? Or were you brought forth before the hills?” (Job 15:7). Based on the parallelism between the two parts of the verse, the word *rishon* here means before; the one preceding all others.

אֵלָּא מֵעַתָּה, “וְלִקְחֶתֶם לָכֶם בְּיוֹם הָרֵאשׁוֹן” הֲכִי נִמְי רֵאשׁוֹן דְּמַעֲקָרָא מְשֻׁמַע!?

The Gemara asks: But if that is so, consider a verse written with regard to *Sukkot*: “And you shall take for yourselves on the first [*harishon*] day the fruit of a beautiful tree, branches of palm trees, and boughs of thick trees, and willows of the brook” (Leviticus 23:40). So too, in this case, does *harishon* mean the day previous to the Festival? Clearly, one is not obligated to take the four species on the fourteenth of Tishrei, the eve of *Sukkot*.

שְׂאֵי הֵתֶם, דְּכַתְּיב: “וְשִׂמְחֶתֶם לִפְנֵי ה' אֱלֹהֵיכֶם שִׁבְעַת יָמִים,” מַה שְּׂבִיעֵי – שְׂבִיעֵי לְחַג, אַף רֵאשׁוֹן – רֵאשׁוֹן לְחַג.

The Gemara rejects this contention. There it is different, as it is written immediately thereafter: “And you shall rejoice before the Lord your God seven days” (Leviticus 23:40). Just as the seventh of these seven days is the seventh day of the Festival, so too, the first of these days is the first day of the Festival itself, not the day before *Sukkot*. However, where it is not explicitly stated, *rishon* means the day before the Festival.

הֲכָא נִמְי כְּתִיב: “אַךְ בְּיוֹם הָרֵאשׁוֹן תִּשְׁבֹּתוּ” “שִׁבְעַת יָמִים מִצוֹת תֹּאכְלוּ!” אִם בְּנִתְּוּב קָרָא “רֵאשׁוֹן,” “הָרֵאשׁוֹן” לְמָה לִּי שְׂמֵעַ מִינָה לְכַדְאִמְרִי.

The Gemara raises a difficulty. Here too, it is written with regard to Passover: “Yet on the first [*harishon*] day you shall remove leaven from your houses”; “for seven days you shall eat *matza*” (Exodus 12:15). Just as seventh here is referring to the seventh day of the Festival, so too, *rishon* must refer to the first day of the Festival. The Gemara answers: If so, let the verse write *rishon*; why do I need the addition of the definite article, *harishon*? Learn from it, as we said: *Harishon* means the day before the Festival.

אִי הֲכִי, הֵתֶם נִמְי “הָרֵאשׁוֹן” לְמָה לִּי וְתוֹ, הֵתֶם דְּכַתְּיב: “בְּיוֹם הָרֵאשׁוֹן שִׁבְתוּ וּבְיוֹם הַשְּׂמִינִי שִׁבְתוּ” אִמְר “רֵאשׁוֹן” דְּמַעֲקָרָא מְשֻׁמַע! שְׂאֵי הֵתֶם, דְּאָמַר קָרָא: “וּבְיוֹם הַשְּׂמִינִי שִׁבְתוּ” מַה שְּׂמִינִי – שְׂמִינִי דְּחַג, אַף רֵאשׁוֹן – רֵאשׁוֹן דְּחַג.

The Gemara raises an objection: If so, there too, with regard to *Sukkot*, why do I need the verse to say *harishon*? And furthermore, there it is written: “On the first [*harishon*] day a solemn rest and on the eighth day a solemn rest” (Leviticus 23:39). Here too, say that first means previous, the day preceding the Festival. The Gemara rejects this suggestion: It is different there, as the verse said: “And on the eighth day a solemn rest,” from which it can be inferred that just as the eighth means the eighth day of the Festival, so too, *rishon* is referring to the first day of the Festival.

NOTES

Vav adds to the previous matter – וַיִּי מוֹסִיף עַל עֲנֵן רֵאשׁוֹן: There is a principle in halakhic midrash that when the Torah begins a new topic with the letter *vav* as a prefix it is expanding upon the previous matter. In other words, the new issue is linked to the earlier one, and its contents constitute a continuation. When there is no *vav* prefix, it can be assumed there is no definite connection between one topic and the next.

Three times the word *rishon* is mentioned – שְׁלֹשָׁה רֵאשׁוֹן: When the word *rishon* is stated with regard to Passover, it is referring to the future redemption, when the offspring of Amalek will be removed. When it appears in the context of the mitzva of *sukka*, *rishon* evokes the clouds of divine glory and alludes to the Temple. *Rishon* mentioned in the context of *lulav* alludes to the celebration that will accompany the coming of the Messiah (Maharsha; Rabbi Yoshiya Pinto).

HALAKHA

The Paschal lamb and leavened bread – קָרְבוֹן פֶּסַח וְחֶמֶץ: By Torah law, it is prohibited to eat leaven on the day before Passover from the beginning of the seventh hour, i.e., from noon. The authorities disagree as to whether one who eats leaven between noon and the start of the Festival is flogged for violating the prohibition: “You shall not slaughter the blood of My offering over leavened bread” (Exodus 34:25). Some commentaries claim that the dispute between Abaye and Rava revolves around this point. According to Abaye, although it is prohibited to eat leaven on the fourteenth of Nisan after midday, one who does so is not flogged. Rava maintains that he is flogged. The Rif cites Abaye’s interpretation, indicating that the Rif maintains that one who eats leaven at this time is flogged (*Shiltei HaGibborim*). The *Ba’al HaMaor* and *Sefer Ha’Ittur* agree. In contrast, according to the Rambam, the Rosh, and the *Tur*, one is flogged for eating leaven at that time (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 1:8).

הָרֵאשׁוֹן לָמָּה לִּי לְמַעוּטֵי חוּלוֹ שֶׁל מוֹעֵד. חוּלוֹ שֶׁל מוֹעֵד מֵרֵאשׁוֹן וְשִׁמְיֵנוּ נִפְקָא!

אֵי צִטְרוֹךְ, סְלָקָא דְעֵתָךְ אֲמִינָא: הוּא אִיל דְכִתְבָּ רַחֲמָנָא: “וּבִיּוֹם הַשְּׁמִינִי, וַיִּי מוֹסִיף עַל עֲנֵן רֵאשׁוֹן, דְאִפִּילוּ בְחוּלוֹ שֶׁל מוֹעֵד, קָא מְשַׁמְעָ לִּי!”

וְלֹא לְכַתּוּב רַחֲמָנָא לֹא וַיִּי וְלֹא הִיא? וְתוֹ: הֵתָם דְכִתְיִב “בִּיּוֹם הָרֵאשׁוֹן מִקְרָא קִדְשׁ יְהִיָּה לָכֶם” רֵאשׁוֹן דְמַעֲיָקְרָא מְשַׁמְעָ!

אֲלָא: הֵינִי שְׁלֹשָׁה רֵאשׁוֹן מִבְּעֵי לִיָּה לְכַדְתֵּינִי דְבִי רַבִּי יִשְׁמַעְיָאֵל. דְתֵנָּא דְבִי רַבִּי יִשְׁמַעְיָאֵל. בְּשִׁכְרֵי שְׁלֹשָׁה רֵאשׁוֹן וְכֹו לְשֹׁלְשָׁה רֵאשׁוֹן – לְהַכְרִית זְרַעוֹ שֶׁל עֵשׂוֹ, לְבַנְיָן בֵּית הַמִּקְדָּשׁ, וְלִשְׁמוֹ שֶׁל מְשִׁיחַ.

לְהַכְרִית זְרַעוֹ שֶׁל עֵשׂוֹ – דְכִתְיִב: “וַיֵּצֵא הָרֵאשׁוֹן אֲדָמוֹנִי כְלוֹ כְאֲדָרַת שַׁעֲרֵי.” וְלְבַנְיָן בֵּית הַמִּקְדָּשׁ – דְכִתְיִב: “כִּסֵּא כְבוֹד מְרוֹם מֵרֵאשׁוֹן מְקוֹם מִקְדָּשֵׁנוּ.” וְלִשְׁמוֹ שֶׁל מְשִׁיחַ – דְכִתְיִב: “רֵאשׁוֹן לְצִיּוֹן הִנֵּה הֵנָּם.”

רַבָּא אָמַר, מִהָכָּא: “לֹא תִשְׁחַט עַל חֶמֶץ דָּם זִבְחִי” – לֹא תִשְׁחַט הַפֶּסַח וְעַדִּין חֶמֶץ קָיָים.

וְאִימָא: כָּל חַד וְחַד כִּי שְׁחִיט! זְמַן שְׁחִיטָה אָמַר רַחֲמָנָא.

The Gemara repeats its earlier question: **Why do I** need the verse to say *harishon*? The Gemara answers: The definite article comes to **exclude the intermediate days** of the Festival. It is not prohibited to perform labor on these days, as the full-fledged sanctity of the Festival does not apply to them. The Gemara says: The status of the **intermediate days is derived from the words first and eighth**. The fact that the verse mentions only the first and the eighth days as Festivals clearly indicates that the days between them are not Festivals.

The Gemara answers: Nevertheless, a special verse was **necessary** to exclude the intermediate Festival days, as otherwise it could enter your mind to say that since the Merciful One writes: “**And on the eighth day,**” the principle: The letter *vav* adds to the previous matter,^N applies. When a phrase begins with the conjunction *vav*, meaning and, it is a continuation of the previous matter rather than a new topic. Based on this principle, I might have said that one must treat **even the intermediate days** as full-fledged Festival days. Therefore, the definite article **teaches us** not that this is not so.

The Gemara asks: **And let the Merciful One write** in the Torah **neither** the conjunction *vav* **nor** the definite article *heh*. Since they neutralize each other, as explained above, the same result could have been achieved by omitting both. **And furthermore, there**, in its description of Passover, it is written: “**On the first [harishon] day you shall have a sacred convocation; you shall do no servile work**” (Leviticus 23:7). Does **first mean previous**, the day preceding the Festival, in this case too? Labor is permitted on the eve of the Festival.

Rather, the Gemara explains that **those three** times the word *rishon* is mentioned^N with regard to the Festivals are **necessary** for that which the school of Rabbi Yishmael taught. **As the school of Rabbi Yishmael taught: In reward for the three times** the word *rishon* is stated with regard to the Festivals observed by the Jewish people, **they were entitled to three matters** also referred to as *rishon*: **To eradicate the descendants of Esau, to the construction of the Temple, and to the name of Messiah**.

The *tanna* provides the sources for his statement. **To eradicate the descendants of Esau, as it is written:** “**And the first [harishon] came forth red, all over like a hairy mantle; and they called his name Esau**” (Genesis 25:25). **And to the construction of the Temple, as it is written:** “**The Throne of Glory, on High from the beginning [merishon], the place of our Temple**” (Jeremiah 17:12). **And the Jewish people were also entitled to the name of Messiah, as it is written:** “**A harbinger [rishon] to Zion I will give: Behold, behold them; and to Jerusalem a messenger of good tidings**” (Isaiah 41:27). However, *harishon* stated with regard to Passover is referring to the day before the Festival.

Rava said: The *halakha* that leaven is prohibited from midday on the fourteenth of Nisan is derived from here: “**You shall not slaughter the blood of My offering over leavened bread; neither shall the offering of the feast of the Passover be left to the morning**” (Exodus 34:25). This verse means that **you shall not slaughter the Paschal lamb while your leavened bread is still intact**.^H In other words, all leaven must be removed before the time the Paschal lamb may be slaughtered.

The Gemara raises a difficulty: **And say** that the verse means that **each and every person** must ensure that he has no leaven in his possession **when he slaughters** his own Paschal lamb, and there is no fixed time for this prohibition. The Gemara answers: **The Merciful One states the time of the slaughter** of the Paschal lamb, which begins at the end of the sixth hour. In other words, this verse is referring to a particular point in time, rather than the individual act of slaughtering the Paschal lamb.

The opinion of Rabbi Akiva – שיטת רבי עקיבא – Had the Torah mandated to burn leaven on the fifteenth of Nisan, what would be the problem? The positive mitzva to burn leaven should override the negative mitzva against kindling fire. Apparently, Rabbi Akiva's opinion is based on the uncertainty whether the verse is referring to the fifteenth or the fourteenth of Nisan. This proof tilts the scale in favor of the opinion that the verse is referring to the fourteenth (Responsa of Rabbi Yitzhak Meir of Gur).

תנא נמי הכי: "אך ביום הראשון תשביתו שאר מבתים" – מערב יום טוב, או אינו אלא ביום טוב עצמו – תלמוד לומר: "לא תשחט על חמץ דם זבח" – לא תשחט את הפסח ועדיין חמץ קיים, דברי רבי ישמעאל.

רבי עקיבא אומר: אינו צריך, הרי הוא אומר: "אך ביום הראשון תשביתו שאר מבתים", וכתוב: "כל מלאכה לא (תעשו)", ומצינו להבערה שהיא אב מלאכה.

רבי יוסי אומר: אינו צריך, הרי הוא אומר: "אך ביום הראשון תשביתו שאר מבתים" – מערב יום טוב, או אינו אלא ביום טוב – תלמוד לומר: "אך" – חלק. ואי ביום טוב עצמו – מי שרי? הא איתקש השבתת שאור לאכילת חמץ, ואכילת חמץ לאכילת מצה! אומר רבא:

The Gemara adds that some of the aforementioned opinions were also taught in a *baraita*: "Yet on the first day you shall remove leaven from your houses" (Exodus 12:15). This prohibition is in effect from the eve of the Festival. Or perhaps that is not the case, but it applies only to the Festival itself. The verse states: "You shall not slaughter the blood of My offering over leavened bread" (Exodus 34:25), meaning that you shall not slaughter the Paschal lamb while your leavened bread is still intact. This is the statement of Rabbi Yishmael.

Rabbi Akivaⁿ says: There is no need for this proof, as it says: "Yet on the first day you shall remove leaven from your houses," and it is written: "And on the first day there shall be to you a sacred convocation, and on the seventh day a sacred convocation; you shall perform no manner of work on them" (Exodus 12:17). And we found that kindling a fire is a primary category of prohibited labor. Since the fire in which the leaven is burned is not for the preparation of food, kindling it is not performed for the purpose of the Festival. Therefore, it is prohibited to burn the leaven on the Festival itself. Consequently, one must burn the leaven on the day before the Festival.

Rabbi Yosei says: There is no need for that proof either, as it says: "Yet on the first day you shall remove leaven from your houses." This prohibition applies from the eve of the Festival. Or perhaps that is not the case, but it applies only to the Festival itself. The verse states: Yet, which comes to divide the day into two parts; the first half, when leaven is permitted, and the second half, when it is prohibited. And if this verse is referring to the first day of the Festival itself, is leaven permitted on the actual Festival? As explained above, the removal of leaven is juxtaposed to the eating of leavened bread, and the eating of leavened bread is juxtaposed to the eating of *matza*. Rava said:

Perek I
Daf 5 Amud b

שמע מינה מדרבי עקיבא תלת; שמע מינה: אין ביעור חמץ אלא שריפה, ושמע מינה: הבערה לחלק יצאת, ושמע מינה: לא אמרינן הואיל והותרה הבערה לצורך הותרה נמי שלא לצורך.

Learn from the statement of Rabbi Akiva three *halakhot*. Learn from it that the removal of leavened bread can be performed only by means of burning. Rabbi Akiva bases his opinion on the fact that it is prohibited to kindle a fire on the Festival.

And second, learn from it that the prohibition against kindling a fire on Shabbat was specifically singled out in the Torah to divideⁿ the various primary categories of labor and to establish liability for performance of each of them. The dissenting opinion is that kindling is singled out to teach that there is no capital punishment for performing that primary category of labor.

And third, learn from it that we do not say: Since it is permitted to kindle a fire for the purpose of preparing food, it is also permitted to light a fire not for the purpose of preparing food, e.g., to burn leaven.

תנו רבנן: "שבעת ימים שאור לא ימצא בבתיכם" מה תלמוד לומר? והלא כבר נאמר: "לא יראה לך שאור [ולא יראה לך חמץ] בכל גבולך".

The Sages taught in a *baraita*: "Seven days leaven shall not be found in your houses" (Exodus 12:19). To what purpose does the verse state this prohibition? Wasn't it already stated: "And no leaven shall be seen with you, neither shall there be leavened bread seen with you, in all your borders" (Exodus 13:7)?

לפי שנאמר: "לא יראה לך שאור" – שלך אי אתה רואה, אבל אתה רואה של אחרים ושל גבוה. יכול יטמין ויקבל פקדונות מן הגוי – תלמוד לומר: "לא ימצא".

The *baraita* answers: Because it is stated: "And no leaven shall be seen with you," which teaches that your own leaven you may not see, but you may see leaven that belongs to others, i.e., gentiles, and leaven consecrated to God. In light of this *halakha*, I might have thought that one may conceal leaven in one's home or accept deposits of leaven from a gentile. Therefore, the verse states: "Shall not be found," meaning that one may not retain any type of leaven in one's house at all.

Singled out to divide – לחלק יצאת – The *tanna'im* dispute the implication of the fact that the verse "You shall not kindle a fire in any of your dwellings on the day of Shabbat" (Exodus 35:3) specifically singles out the act of kindling a fire as opposed to the rest of thirty-nine prohibited categories of labor on Shabbat, which were derived through juxtaposition with the construction of the Tabernacle. Some *tanna'im* explain that this type of labor is singled out to teach the principle of division, i.e., that one is liable to be punished with *karet* for violation of any one of the primary categories of labor on Shabbat and is liable to bring multiple sin-offerings for each primary category of labor violated unwittingly. Others contend that kindling was singled out to teach that this prohibition is less severe than the other categories of labor. Whereas the punishment for violation of any of the other categories of labor is *karet*, the status of the prohibition against kindling a fire on Shabbat is not a capital crime and is punished with lashes.

As for the proof from Rabbi Akiva's opinion, Rashi explains that it is derived from the fact that he is referring to kindling as a primary category of labor. *Tosafot* cite this interpretation as well. Rabbeinu Hananel explains that the fact that the mitzva to burn leaven does not override the prohibition against kindling a fire proves that it is punishable by *karet*. If kindling a fire on Shabbat were an ordinary prohibition, the commandment to burn leaven would override it (see Rabbi A. Y. Kook in *Tuv Re'uya*).

BACKGROUND

Pits, ditches, and caves – בור שיח ומערה: These three structures, referenced in the Gemara, are distinguished as follows: A pit is narrow and round; a ditch is long and narrow; and a cave is similar to a pit, except that it is covered.



Ancient pit in the Yatir forest



Ditches



Cave

אין לי אלא בגוי שלא כיבשתו, ואין שרוי עמך בחצר. גוי שכיבשתו ושרוי עמך בחצר מנין – תלמוד לומר: "לא ימצא בבתיכם".

אין לי אלא שבבתיכם, בבורות בשיתחין ובמערות מנין – תלמוד לומר: "בכל גבולך".

ועדיין אני אומר: בביתים – עובר משום בל יראה ובל ימצא ובל יטמין ובל יקבל פקדונות מן הגוי. בגבולין – שלך אי אתה רואה, אבל אתה רואה של אחרים ושל גבוה. מניין ליתן את האמור של זה בזה ושל זה בזה –

תלמוד לומר: שאור שאור לגוירה שוה. נאמר שאור בביתים: "שאור לא ימצא בבתיכם", ונאמר שאור בגבולין: "לא יראה לך שאור", מה שאור האמור בביתים – עובר משום בל יראה ובל ימצא ובל יטמין ובל יקבל פקדונות מן הגוים, אף שאור האמור בגבולין – עובר משום בל יראה ובל ימצא ובל יטמין ובל יקבל פקדונות מן הגוים.

ומה שאור האמור בגבולין – שלך אי אתה רואה אבל אתה רואה של אחרים ושל גבוה, אף שאור האמור בביתים – שלך אי אתה רואה אבל אתה רואה של אחרים ושל גבוה.

אמר מר: אין לי אלא בגוי שלא כיבשתו ואין שרוי עמך בחצר, גוי שכיבשתו ושרוי עמך בחצר מנין – תלמוד לומר: "לא ימצא".

The *tanna* continues: Had only this verse been stated, I would have derived nothing other than this *halakha* with regard to a gentile whom you did not overcome and who does not dwell with you in the courtyard. With regard to a gentile whom you overcame^N and who dwells with you in the courtyard, from where do we know that he is also included in this prohibition? The verse states: "It shall not be found in your houses" at all, i.e., anywhere in one's possession.

The *baraita* further states that from the verse: "It shall not be found in your houses," I have derived nothing other than the fact that this prohibition applies to leaven that is actually in your houses. From where is it derived that this *halakha* applies even to leaven in pits, ditches, and caves?^B The verse states: In all your borders, i.e., anywhere that belongs to you.

And still I can say: If there is leaven in your houses, one violates the prohibition that leaven shall not be seen and the prohibition that it shall not be found, as well as the prohibitions of you shall not conceal and you shall not receive deposits from a gentile. Meanwhile, in your borders, outside your home, your own leaven you may not see, but you may see leaven that belongs to others, i.e., gentiles, and leaven consecrated to God. From where is it derived that it is proper to apply the prohibition that was said about this place to that place, and the prohibition that was said about that place to this place?

The *tanna* answers that the verse states the term leaven with regard to houses and the term leaven with regard to borders as a verbal analogy.^N It states leaven with regard to houses: "Seven days leaven shall not be found in your houses," and it states leaven with regard to borders: "Neither shall there be leaven seen with you."^N Just as for the leaven stated with regard to houses one transgresses the prohibition that leaven shall not be seen and the prohibition that it shall not be found, and the prohibitions of one shall not conceal and one shall not receive deposits from a gentile, so too, for the leaven stated with regard to borders, one transgresses the prohibition that leaven shall not be seen and the prohibition that it shall not be found, and the prohibitions of one shall not conceal and one shall not receive deposits from a gentile.

The converse is also true: Just as concerning the leaven stated with regard to borders, your own leaven you may not see, but you may see leaven that belongs to others, i.e., gentiles, and leaven consecrated to God, so too, concerning the leaven stated with regard to houses: Your own leaven you may not see, but you may see leaven that belongs to others and leaven consecrated to God.^N

The Gemara addresses several difficult aspects of this *baraita*. The Master said: I would have derived nothing other than this *halakha* with regard to a gentile whom you did not overcome and who does not dwell with you in the courtyard. With regard to a gentile whom you overcame and who dwells with you in the courtyard, from where is it derived that he is also included in this prohibition? The verse states: "It shall not be found in your houses."

NOTES

Whom you overcame – שכיבשתו: Some commentaries explain that this is referring to a gentile who is enslaved by a Jew, whereas the gentile who dwells with you in the courtyard is merely an employee (Rabbeinu Yehonatan).

Verbal analogy – גזירה שוה: This is a fundamental talmudic principle of biblical interpretation, appearing in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah, and a certain *halakha* is explicitly stated in one of these places, one may infer, on the basis of a verbal analogy, that the same *halakha* must apply in the other case as well. Consequently, the inferences drawn on the basis of verbal analogy rely on verbal identity rather than on conceptual similarity. For example, the Torah states concerning those convicted of certain types of sorcery:

"Shall surely be put to death; they shall stone them with stones; their blood shall be upon them" (Leviticus 20:27). Since this verse uses the expression: "Their blood shall be upon them" when speaking of death by stoning, the Talmud infers by verbal analogy that in all cases where this expression is used, capital punishment is to be inflicted by stoning. Generally, inferences are drawn through verbal analogy only if the same word or phrase appears in both of the verses being compared, although a verbal analogy is occasionally drawn even if the words being compared are not identical, provided that their meanings are similar.

Leaven in houses and in borders – שאור בביתים ובגבולין: This is a free verbal analogy, i.e., based on terms superfluous in their own context and therefore irrefutable, as according to

Beit Hillel, one derives the status of removal of leaven from the status of eating it. According to Beit Shammai it is also superfluous. Since the verse says twice: It shall not be seen, it is therefore a free verbal analogy (*Tosafot* of Rabbi Shimshon of Saens).

Verbal analogy, houses, and borders – גזירה שוה בביתים ובגבולין: Some commentaries explain that this verbal analogy equates the status of houses and borders entirely, with regard to the *halakhot* of leaven (Rabbi Aharon HaLevi, in the name of his teacher). Others claim that this verbal analogy comes only to rule leniently in houses with regard to deposits for which one did not accept responsibility and to rule stringently in borders with regard to deposits for which he accepted responsibility (*Ritva*).

On the contrary [*kelapei laya*] – **כִּלְפֵי לַיָּא**: This phrase expresses a sense of astonishment: What are you saying? Actually the opposite makes sense. Some commentaries explain that this expression should be understood as: Toward the tail [*kelapei alya*], i.e., the statement is focusing on the tail instead of the head (Rabbeinu Ḥananel; *Arukh*; and others).

With you, with you – לָךְ לָךְ: Rashi and Rav Yehuda ben Rav Binyamin HaRofeh explain that this derivation is based on the exegetical principle: *Im ein inyan*. The Torah does not have any unnecessary words. If a word written in one context is superfluous or meaningless, it apparently comes to teach a *halakha* in another context. Others explain that this is a case of an exclusionary term followed by an inclusionary term, which is understood to be inclusionary. Based on that, all leaven should be prohibited. However, a comprehensive prohibition could have been derived from the verse: It shall not be found. And from the repetition of the exclusionary term: With you, alone it could be derived that leaven that belongs to another and leaven consecrated to God are not prohibited. From the combination of the two it is derived that the prohibition: It shall not be found, is referring to a deposit for which one takes responsibility and by inference, any deposit for which one does not take responsibility is permitted (*Sefer Ha'ittur*; Maharam Ḥalawa).

Yet others explain that the entire discussion in the Gemara is with regard to the order of the *halakhot* in the *baraita*. First, the *baraita* should have taught that leaven belonging to a gentile is permitted and only then teach the prohibition against possessing leaven for which one took responsibility, even if it belongs to a gentile who was not overcome. The Gemara answered that the *baraita* indeed teaches that from the duplication of: With you, with you, the *halakha* is the same with regard to both a gentile who was overcome and a gentile who was not overcome (Ra'avad).

דְּבַר הַגּוֹרֵם לְמִמּוֹן – An object that effects monetary loss: The concept of an object that effects monetary loss includes any item that at present, or in and of itself, has no value, but replacing it will cost money, e.g., if one destroys another's promissory note. Although the document itself is of negligible value, its destruction causes the creditor to lose money.

HALAKHA

Leaven belonging to him and belonging to others – חֶמֶץ שֶׁלוֹ וְשֶׁל אֲחֵרִים: One violates the prohibition against having leaven seen or found in his possession for any leaven that belongs to him, even if it is not in his home or it is in the house of a gentile. However, one is not liable for leaven that belongs to a gentile or which has been consecrated, even if it is in his house. This is the case even if the Jew overcame the gentile or if he is a resident alien, in accordance with Rava (Rambam *Sefer Zemanim*, *Hilkhot Hametz UMatza* 4:1–2).

BACKGROUND

Mehoza – מְחוּזָא: Mehoza was a city on the Tigris River located near the Malka River. It was a large commercial city, most of whose inhabitants were Jews. Unlike the case in most other Jewish communities, the Jews in Mehoza generally earned their living from commerce. Many Jews in Mehoza were converts or immigrants from several other countries. After Neharde'a was destroyed in 259 CE, many of the scholars from its yeshiva relocated to Mehoza, which became the Torah center of leading scholars such as Rav Naḥman; Rav Sheshet; Rava, who later became head of the yeshiva in Mehoza; Ameimar; and Rav Kahana, who was Rav Ashi's teacher. After Abaye's death in approximately 338 CE, the yeshiva in Pumbedita, then headed by Rava, also moved to Mehoza for a period of time.

The Gemara questions the logic of this proof. **On the contrary**,ⁿ the prohibition regarding the leaven of a gentile who is subservient to and lives with a Jew is more obvious than the prohibition regarding the leaven of a gentile who is neither. The *tanna* should have started with the leaven belonging to a gentile who is subservient to a Jew. **Abaye said: Reverse the order of the statement: I might have thought that only leaven owned by a gentile whom you overcame and who dwells with you in the courtyard is prohibited; but leaven owned by a gentile whom you did not overcome and who does not dwell with you in the courtyard is permitted.**

Rava said: Actually, do not reverse the order, as this statement is not in fact a continuation of the previous one and instead it applies to the first clause of the baraita, which deals with the time when leaven is permitted. The entire statement should read as follows: **Your own leaven you may not see, but you may see leaven that belongs to others, i.e., gentiles, and leaven consecrated to God, as one is not commanded to remove leaven that belongs to a gentile. I have derived nothing other than this halakha with regard to a gentile whom you did not overcome and who does not dwell with you in the courtyard, as the leaven belonging to that gentile is in no way tied to the Jew. With regard to a gentile whom you overcame and who dwells with you in the courtyard, from where is it derived that he is also included in this leniency? The verse states: "It shall not be found."**

The Gemara raises a difficulty: **This tanna seeks permission for seeing the leaven of a gentile, and yet he cites a verse to establish a prohibition.** The Gemara answers that the *tanna* did not cite proof from the phrase: It shall not be found. **Due to the fact that it is stated:** "No leaven shall be seen with you in all your borders" (Exodus 12:7) and "No leaven shall be seen with you" in all your borders" (Deuteronomy 16:4) twice, one of them is superfluous and may be appended to: It shall not be found, creating the prohibition: It shall not be found with you. Only leaven belonging to a Jew is prohibited.^h

The Gemara continues its analysis of the *baraita*. **The Master said: I might have thought that one may conceal leaven in one's home or accept deposits of leaven from the gentiles.** Therefore, **the verse states: It shall not be found.** The Gemara asks: **But didn't you say in the first clause of the baraita: Your own leaven you may not see, but you may see leaven that belongs to others and leaven consecrated to God, indicating that it is permitted to have leaven in one's house if it belongs to a gentile?**

The Gemara answers: This is **not difficult**; in this case it is prohibited, as he accepted upon himself responsibility to pay for the leaven if it is destroyed. Therefore, it is considered as though the leaven belonged to him. In that case it is permitted, as he did not accept upon himself responsibility, and therefore the leaven remains the full-fledged property of the gentile.

That ruling is like that which Rava said to the residents of Mehoza:^b **Remove the leavened bread that belongs to the members of the gentile army from your houses.** Gentile soldiers would bring flour with them and force the people in the city to prepare bread on their behalf. Rava explained the rationale for his ruling: **Since if the flour were stolen or if it were lost, it stands in your possession and you would be required to pay for it, its legal status is as if it were yours, and it is prohibited to keep it during Passover.**

The Gemara raises a difficulty: **This explanation works out well according to the one who said: The legal status of an object that effects monetary lossⁿ is like that of money.** If an item is inherently or currently worthless, but if it is lost or stolen one would be obligated to pay to replace it, its legal status is like that of money. Therefore, the Jews' responsibility for the leaven renders its legal status as if it belonged to them. **However, according to the one who said: The legal status of an object that effects monetary loss is not like that of money, what can be said?**

כִּלְפֵי לַיָּא?! אָמַר אַבְיִי: אֵיפּוֹךְ.

רַבָּא אָמַר: לְעוֹלָם לֹא תִפּוֹךְ, וְאֲרִישָׁא קָאֵי. שְׁלֵךְ אֵי אַתָּה רוּאָה – אֲבָל אַתָּה רוּאָה שְׁלֵךְ אַחֲרֵי וְשֵׁל גְבוּיָהּ, אֵין לִי אֶלָּא בְּגוּי שְׁלֵא כִּיבְשָׁתוּ וְאֵין שְׁרוּי עִמָּךְ בְּחֻצְרָךְ, גּוּי שְׁכִיבְשָׁתוּ וְשְׁרוּי עִמָּךְ בְּחֻצְרָךְ מִנָּן – תִּלְמוּד לֹוֹמַר: "לֹא יִמְצָא."

וְהֵאֵי תִנָּא מִיְהֵדֵר אֲהִיתִירָא וְנִסְיַב לָהּ קָרָא לְאִיסוּרָא?! מִשּׁוּם שְׁנֵאֲמַר "לָךְ" "לָךְ" תִּרִי זִמְנִי.

אָמַר מַר: יְכוּל יִטְמֵין וְיִקְבֵּל פְּקֻדוֹנוֹת מִן הַגּוֹיִם – תִּלְמוּד לֹוֹמַר: "לֹא יִמְצָא." הָא אָמַרְתָּ רִישָׁא: שְׁלֵךְ – אֵי אַתָּה רוּאָה, אֲבָל אַתָּה רוּאָה שְׁלֵךְ אַחֲרֵי וְשֵׁל גְבוּיָהּ!

לֹא קָשְׁיָא; הָא – דְּקָבִיל עֲלֵיהּ אַחֲרִיּוֹת, הָא – דְּלֹא קָבִיל עֲלֵיהּ אַחֲרִיּוֹת.

כִּי הָא דְאָמַר לְהוּ רַבָּא לְבִנֵי מְחוּזָא: בְּעִירוֹ חֲמִירָא דְבִנֵי חִילָא מִבְּתֵיכוֹ, כִּיּוֹן דְאֵילוּ מִיַּגְנֵב וְאֵילוּ מִיְתְּבִיד – בְּרִשׁוֹתֵיכוֹ קָאֵי וּבְעִיתוֹ לְשִׁלּוּמֵי – כְּדִילְכוֹן דְּמֵי וְאִסוּר.

הִנִּיחָא לְמָאן דְאָמַר: דְּבַר הַגּוֹרֵם לְמִמּוֹן – כְּמִמּוֹן דְּמֵי. אֶלָּא לְמָאן דְאָמַר: לֹא כְּמִמּוֹן דְּמֵי, מָאֵי אִיבָא לְמִימְרָא?

HALAKHA

A gentile who deposited leaven with a Jew – גוי שהפקיד תמץ אצל ישראל: If a gentile deposited his leaven with a Jew and the Jew takes responsibility for the deposit if it is stolen or lost, the Jew has the status of a paid bailee and is required to remove the leaven as though it belonged to him, even if it is not in his house, in accordance with the ruling of the baraita. Some authorities rule that the Jew must remove this leaven even if he deposited it with another gentile (Rema, based on the Hagahot Alfasi). If the second gentile accepted responsibility, some rule that he need not remove the leaven (Magen Avraham), while others require him to do so (Havot Ya'ir). Yet others note that even if the Jew is merely an unpaid bailee, he is nevertheless obligated to remove the leaven (Rosh). In a case where he did not take responsibility for the deposit but the gentile will force him to pay if it is destroyed, he is obligated to remove it, in accordance with Rava's instruction to the people of Mehoza. However, other authorities disagree (Ra'avad), and explain that the reason why they were obligated to destroy the leaven in Mehoza was due to the laws of the monarchy (Vilna Gaon; Shulhan Arukh, Orah Hayyim 440:1).

שאני הכא, דאמר "לא ימצא".

The Gemara answers: It is **different here**, as the verse said: "It shall not be found," indicating that leaven may not be found in any place, even if there is only a token connection between the leaven and the Jew in whose property it is situated, and even if he is not required to pay for it if it is lost or stolen.⁴

איכא דאמרי: הניחא למאן דאמר דבר הגורם לממון לאו בממון דמי -

Some state a contrary version of the above discussion. This explanation works out well according to the one who said: The legal status of an object that effects monetary loss is not like that of money.

Perek I

Daf 6 Amud a

LANGUAGE

Royal tax [arnona] – ארנונא: From the Latin annona, meaning taxes paid with property, e.g., animals and food, not money. These payments were sometimes provisional and irregular, and in this regard they were similar to the temporary seizure of property by the authorities or members of an army. Occasionally, it was possible to purchase exemption from this tax with a sum of money less than the value of the object.

HALAKHA

An animal born into a herd from which the royal tax is collected – בהמת ארנונא: If the authorities take animals from a flock of cattle as a tax, the Jewish owner is exempt from separating the firstborn animals of that flock, as their legal status is that of an animal partially owned by a gentile, in accordance with the opinion of Rava. Even if the Jew can pay the gentile tax collector money in lieu of the cattle, the gentile is nonetheless considered the partial owner (Rema, based on Rif and Rosh; Shulhan Arukh, Yoreh De'a 440:5).

היינו דאיצטריך "לא ימצא". אלא, למאן דאמר בממון דמי - "לא ימצא" למה לי? איצטריך, סלקא דעתך אמינא: הואיל וכי איתיה - הדר בעיניה, לאו ברשותיה קאי - קמשמע לן.

That is the reason that it is necessary for the Torah to write: It shall not be found, to indicate that there is a halakha unique to leaven. In this case, it is considered as though it were in his possession. However, according to the one who said: The legal status of an object that effects monetary loss is like that of money, why do I need the phrase: It shall not be found? Obviously, the leaven is prohibited, as it is considered his property. The Gemara answers: It is nonetheless necessary, as it could enter your mind to say: Since when the leaven is intact it returns to the gentile in its pure, unadulterated form, it retroactively did not stand in the Jew's possession and the Jew did not violate the prohibition against having leaven found on his property. Therefore, the verse teaches us that it is considered as though the leaven belonged to the Jew.

בעו מיניה מרבא: בהמת ארנונא חייבת בבכורה או אין חייבת בבכורה? כל היכא דמצא מסלק ליה בוזי - לא קא מיבעיא לן דחייב,

They raised a dilemma before Rava: Is the owner of an animal born into a herd from which the royal tax [arnona]¹ is collected^{HN} obligated in the mitzva to give the firstborn animal^N to a priest, as the animal still belongs to a Jew? Or perhaps he is not obligated to give the firstborn animal to the priest, as the obligation does not take effect on an animal partly owned by a gentile. The Gemara elaborates on the parameters of raising the dilemma: In any case where the Jew could dismiss the gentile tax collector with money in lieu of the animals, we do not raise the dilemma, as he is clearly obligated in the mitzva of the firstborn. The authorities own no part of the animal; the Jew merely owes them a monetary debt. Therefore, the animal is the property of the Jew exclusively.

NOTES

An animal born into a herd from which the royal tax [arnona] is collected – בהמת ארנונא: Some commentaries say that this is referring to an animal jointly owned by a Jew and a gentile (Rabbeinu Hananel; Arukh). Others add that the use of the term arnona to refer to partnership is derived from the verse: "For Arnon is the border of Moav" (Numbers 21:13), as a border is an area of joint authority (Rabbeinu Yehonatan).

The male firstborn of a kosher animal – בכור בהמה טהור: The male firstborn of cattle, sheep, or goats belonging to a Jew is sacred from birth and must be given to a priest to be sacrificed on the altar in the Temple, with its flesh eaten by the priests and their families (Numbers 18:17-18). If a firstborn animal acquired a physical blemish

which disqualified it from being sacrificed as an offering, it could be slaughtered and eaten like any other non-sacred kosher animal. Nevertheless, it still had to be given to a priest.

It is prohibited to intentionally inflict a disqualifying blemish on a firstborn animal, and it may not be used for any mundane purpose even if it is blemished. It is prohibited to work the animal, and its fleece may not be used. Since the destruction of the Second Temple, a firstborn continues to be considered sacred. However, since it cannot be sacrificed in the Temple, and as it may be slaughtered only if it has a marked disqualifying blemish, various halakhic devices are employed to restrict the classification of animals as firstborn and to permit their slaughter as non-sacred animals after they acquire disqualifying blemishes.