

HALAKHA

A gentile who deposited leaven with a Jew – גוי שהפקיד תמץ אצל – שראל: 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.^H

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 אתיה – 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 דמצי 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]^L 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: 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.

כי קא מיבעיא לן – היכא דלא מצי
מסלק ליה בזווי, מאי? אמר להו:
פטורה. והתנא: חייבת! התם – דמצי
מסלק ליה.

איכא דאמרי, אמר רבא: בהמת
ארנונא פטורה מן הבורה, ואף על
גב דמצי מסלק ליה. עיסת ארנונא –
חייבת בחלה, ואף על גב דלא מצי
מסלק ליה.

מאי טעמא – בהמה אית לה קלא,
עיסה לית לה קלא.

תנו רבנן: גוי שנכנס לחצירו של ישראל
ובציקו בידו – אין זקוק לבער. הפקידו
אצלו – זקוק לבער. יחד לו בית – אין
זקוק לבער. שנאמר: "לא ימצא".

מאי קאמר? אמר רב פפא: ארישא
קאי, והכי קאמר: הפקידו אצלו – זקוק
לבער, שנאמר: "לא ימצא".

רב אשי אמר: לעולם אסיפא קאי, והכי
קאמר: יחד לו בית – אין זקוק לבער,
שנאמר: "לא ימצא בבתיכם" – והא
לאו דידיה הוא, דגוי כי קא מעייל –
לביתא דנפשיה קא מעייל.

למימרא דשכירות קניא? והתנן: אף
במקום שאמרו להשכיר – לא לביית
דירה אמרו, מפני שמכניסין לתוכו
עבודת גלולים. ואי סלקא דעתך
דשכירות קניא, כי קא מעייל – לבייתא
דנפשיה קא מעייל!

The situation when we do raise the dilemma is specifically where the Jew cannot dismiss the gentile tax collector with money. What is the halakha in this case? He said to them: The owner is exempt from the mitzva of the firstborn. The Sages raised a difficulty: But wasn't it taught in a baraita that he is obligated in the mitzva of the firstborn? He replied: There it is speaking of a case where the Jew could dismiss the gentile tax collector with money.

Some say that Rava said: The owner of an animal born into a herd from which the royal tax is collected is exempt from the mitzva of a firstborn, even though the Jew could dismiss the gentile tax collector with money. However, the owner of dough^N from which the royal tax is collected is obligated in *halla*,^H despite the fact that the owner of dough partially owned by a gentile is generally not obligated. This is the *halakha* even though the Jew cannot dismiss the gentile tax collector by paying him the value of the dough.

The Gemara explains: What is the reason for the difference between the *halakha* of a firstborn animal and the *halakha* of *halla*? An animal generates publicity; as everyone knows that this Jew's animal was confiscated by the authorities, no one will suspect him of intentionally refraining from fulfilling the mitzva. In contrast, dough does not generate publicity.^N Since not everyone knows that the dough is partially owned by a gentile, those who see a Jew failing to separate *halla* will suspect him of neglecting the mitzva.

The Sages taught in a baraita: With regard to a gentile who enters the courtyard of a Jew with his dough in his hand, the Jew need not remove the leaven by evicting the gentile from his property. However, if the gentile deposited the leaven with him, and the Jew accepted responsibility, he must remove it. If he designated a room in his house for the gentile^N to place his leavened food, he need not remove it, as it is stated: "It shall not be found" (Exodus 12:19).^H

The Gemara asks: What is the *tanna* of the baraita saying? How does the verse: It shall not be found, prove this *halakha*? Rav Pappa said: The verse cited is referring to the first clause of the baraita, and this is what the *tanna* is saying: If the gentile deposited the leavened dough with the Jew, he, i.e., the Jew, must remove the dough from his property, as it is stated: It shall not be found.

Rav Ashi said: Actually the verse cited is referring to the last clause of the baraita, and this is what the *tanna* is saying: If he designated a room in his house for the gentile to place the leavened dough, he need not remove it, as it is stated: It shall not be found in your houses, and that house is not his; since when the gentile brings the dough into the house, he brings it into his own house, as the space was designated for his use.

The Gemara asks: Is that to say that rental denotes that the renter acquires the rented space as he would a full-fledged acquisition with regard to responsibility for that space? But didn't we learn in a mishna: Even in a place with regard to which they said it is permitted for a Jew to rent^N houses to gentiles, e.g., in Syria, they did not say that one may rent it for use as a residence, because the gentiles will bring idolatry into it.^H And if it enters your mind to say that rental denotes that the renter acquires the rented space as he would a full-fledged acquisition, when the gentile brings the idols into the house he brings them into his own house. Why, then, is it prohibited for the owner to rent it to a gentile?

Cattle and dough – בהמה ועיסה: It is unclear why Rava raised the issue of dough collected as royal tax when he was asked about cattle. In any case, it is clear from several other sources that this same dilemma applies to *halla* as well (Rabbi Yom Tov Algazi).

An animal generates publicity; dough does not generate publicity – בהמה אית לה קלא, עיסה לית לה קלא: With regard to the difference between these two *halakhot*, some commentaries explain that the birth of an animal generates publicity and therefore, undoubtedly, the king's tax collector will come and claim his share. That is not the case with regard to dough, whose owner will likely successfully evade paying the tax (Ritva). Others cite a version of the Gemara that states the opposite: The owner of an animal subject to the royal tax is obligated in the *halakhot* of a firstborn animal, as everyone is aware that the animal gave birth but are not aware that it is subject to the tax. Consequently, they will suspect him of failure to fulfill the mitzva of giving the firstborn animal to a priest. However, not everyone is aware that he failed to separate *halla* (*Tosafot* of Rabbi Shimshon of Saens). The Rashba in his responsa and the Ran explain that actually one is exempt from separating *halla* from the dough because it is co-owned by a gentile. Nevertheless, to avoid suspicion, the Sages obligated him to separate *halla*.

He designated a room in his house for the gentile – יחד לו בית: See Rashi and *Tosafot*, who disagree over the significance of this issue. The Ramban explains that according to Rashi, the assumption is that generally one who deposits an object with no stipulation expects the bailee to take responsibility for it. However, if he designates a particular room for the deposit, that indicates that the bailee did not accept responsibility for the article in question. See also the Bah.

In a place with regard to which they permit him to rent – מקום שזהיתו להשכיר: This statement is referring to the *halakha* that there are places, e.g., Eretz Yisrael, where a Jew is not permitted to rent a house to a gentile under any circumstances. In other places, such as Syria, it is permitted for a Jew to rent property to a gentile, subject to certain restrictions. For example, it may not be used as a residence or to inaugurate a gentile neighborhood. Elsewhere in the Diaspora one may even sell a house to a gentile, and there is certainly no prohibition to rent to him. Some commentaries state that this prohibition is derived from the verse: "And you shall not bring an abomination into your house" (Deuteronomy 7:26).

HALAKHA

Dough taken as a royal tax and the obligation to separate *halla* – עיסת ארנונא בחלה: With regard to dough that is jointly owned by a Jew and a gentile, if the portion of the Jew is large enough to obligate him to separate *halla* from it, he is required to do so. If the dough will be taken as a royal tax, one is required to separate *halla*, even if the portion belonging to the Jew is smaller than that measure. This stringent ruling applies even if the Jew cannot pay the gentile collector in lieu of the dough (*Shakh*, based on the Bah; *Beit Yosef*; *Shulhan Arukh*, *Yoreh De'a* 440:3).

The leaven of a gentile – חמץ של גוי: If a gentile entered a Jew's courtyard with leaven in his hand, the Jew is not obligated to remove it. If the Jew designated a space for the gentile to leave his leaven, but the Jew did not take responsibility for it, the Jew is likewise not obligated to remove it. The *halakha* is in accordance with the opinions of Rashi, the Rif, and the Rambam, who maintain that the designation of a place exempts the Jew from the obligation to remove the leaven only if he did not accept responsibility for it. The dissenting opinion is that of Rabbeinu Tam, who rules that designating a place exempts the Jew from the obligation to remove the leaven even if the Jew takes responsibility for it (*Beit Yosef*; *Shulhan Arukh*, *Orach Hayyim* 440:3).

Renting to a gentile – השכרה לגוי: Even in those places where a Jew is permitted to rent property to a gentile, he may do so only if the gentile will use it as storage space or a stable, not for use as a residence. Outside Eretz Yisrael, the *halakha* is lenient with regard to this issue, provided that the Jew himself does not live there. Another reason for this leniency is that in modern times gentiles do not typically worship idols (*Shulhan Arukh*, *Yoreh De'a* 151:10).

Covers it with a vessel – כּוּפֵה עָלָיו אֶת הַכֵּלִי – Most authorities contend that this *halakha* applies only to one who nullified his leaven. Since the leaven does not belong to him he has no obligation to remove it. Consequently, he violates no prohibition by maintaining the food in his possession, and therefore he is not permitted to move and burn it on the Festival. However, if he finds leaven that he did not render null and void, he must burn it (Rashi; *Tosafot*; Rabbeinu Yehonatan; *Tosefot Rabbeinu Peretz*). The Rambam maintains that even if he did not render the leaven null and void he may not move it, as the Sages enforced their decrees even in these situations (see *Me'iri*). Yet others rule that he may crumble the leaven and throw it to the wind to destroy it, although he may not burn it (Maharam Ḥalawa). Some authorities say he is permitted to cover it only when there is no viable alternative (*Bah*; see *Tur*), while others maintain that he may do so even *ab initio* (*Beit Yosef*).

שְׂאֵינִי הֵכָא, דְּאַפְקִיָּה רַחֲמֵנָא בְּלִשׁוֹן
“לֹא יִמְצָא” – מִי שֶׁמְצִי בְיָדְךָ, יִצָּא זֶה
שְׂאֵינִי מְצִי בְיָדְךָ.

אָמַר רַב יְהוּדָה אָמַר רַב: הַמוּצֵא חֶמֶץ
בְּבֵיתוֹ בְּיוֹם טוֹב – כּוּפֵה עָלָיו אֶת הַכֵּלִי.
אָמַר רַבָּא: אִם שָׁל הֶקְדַּשׁ הוּא – אֵינוֹ
צָרִיךְ. מֵאֵי טַעֲמָא – מִיבְדֵּל בְּדִילֵי
מִינֵיהּ.

וְאָמַר רַב יְהוּדָה אָמַר רַב: חֶמֶץ שֶׁל
גּוֹי – עוֹשֶׂה לוֹ מְחִיצָה עֶשְׂרֵה טַפָּחִים
מִשּׁוֹם הַיָּבֵר, וְאִם שָׁל הֶקְדַּשׁ הוּא –
אֵינוֹ צָרִיךְ. מֵאֵי טַעֲמָא – מִיבְדֵּל בְּדִילֵי
אֵינְשֵׁי מִינֵיהּ.

וְאָמַר רַב יְהוּדָה אָמַר רַב: הַמְּפָרֵשׁ
וְהַיּוֹצֵא בְּשִׁירָא, קוֹדֵם שְׁלֹשִׁים יוֹם –
אֵין זָקוּק לְבַעַר, תּוֹךְ שְׁלֹשִׁים יוֹם – זָקוּק
לְבַעַר. אָמַר אַבְיִי: הָא דְאָמַרְתָּ תּוֹךְ
שְׁלֹשִׁים יוֹם זָקוּק לְבַעַר – לֹא אֶמְרֵן
אֶלָּא שְׂדַעְתּוֹ לְחֻזּוֹר, אֲבָל אֵין דַּעְתּוֹ
לְחֻזּוֹר – אֵין זָקוּק לְבַעַר.

אָמַר לִיָּה רַבָּא: וְאֵי דַעְתּוֹ לְחֻזּוֹר, אֶפִּילוּ
מִרְאֵשׁ הַשָּׁנָה נִמְיָ! אֶלָּא אָמַר רַבָּא: הָא
דְאָמַרְתָּ קוֹדֵם שְׁלֹשִׁים יוֹם אֵין זָקוּק
לְבַעַר – לֹא אֶמְרֵן אֶלָּא שְׂאֵין דַּעְתּוֹ
לְחֻזּוֹר, אֲבָל דַּעְתּוֹ לְחֻזּוֹר – אֶפִּילוּ
מִרְאֵשׁ הַשָּׁנָה זָקוּק לְבַעַר.

וְאָנְדָא רַבָּא לְטַעֲמֵיהּ, דְאָמַר רַבָּא:
הַעוֹשֶׂה בֵּיתוֹ אוֹצָר, קוֹדֵם שְׁלֹשִׁים
יוֹם – אֵין זָקוּק לְבַעַר, תּוֹךְ שְׁלֹשִׁים
יוֹם – זָקוּק לְבַעַר.

The Gemara answers: It is different here with regard to leaven, as the Merciful One expresses it using the language: It shall not be found, meaning, that which is found in your possession is prohibited, excluding this leaven, which is not found in your possession. However, with regard to other prohibitions, one who rents a place to others remains somewhat responsible for his property, despite the fact that he does not live there.

Rav Yehuda said that Rav said: One who finds leavened bread in his house^H on the Festival, i.e., the first day of Passover, covers it with a vessel^N and burns it at the conclusion of the Festival day. Rava said: If that leaven is consecrated, he need not cover it. What is the reason for this difference? The reason is that people distance themselves from consecrated food in any case, due to the severity of the prohibition against misuse of consecrated property. Therefore, there is no concern that he will eat it.

And Rav Yehuda said that Rav said: If leavened bread belonging to a gentile^H is in a Jew's house, he, i.e., the Jew, should erect a barrier ten handbreadths high around it on the fourteenth of Nisan, as a conspicuous marker, so that he will not mistakenly eat it. And if the leaven is consecrated, he need not do so. What is the reason for this *halakha*? Since people distance themselves from consecrated food, they will not mistakenly eat it.

And Rav Yehuda said that Rav said: With regard to one who sets sail, or one who departs in a caravan traveling to a distant place; if he did so before it was thirty days prior to Passover,^H he need not remove the leaven from his possession. If he departs within thirty days of the Festival, he must remove the leaven. Abaye said: That which you said, that within thirty days one must remove the leaven, we only said this in a case where his intention is to return home adjacent to Passover (Ran). However, in a case where it is not his intention to return before Passover, he need not remove the leaven.

Rava said to him: But if he intends to return home shortly before the Festival, even if he was gone from Rosh HaShana, shouldn't he remove the leaven, as failure to do so will lead to his arriving home and discovering leaven in his house just before the Festival? Rather, Rava said: According to that which you said, i.e., that if he leaves before it was thirty days prior to Passover he need not remove the leaven, we said this *halakha* only if he does not intend to return before Passover. However, if he intends to return, even if he was gone from Rosh HaShana, he must remove the leaven.

And Rava followed his line of reasoning stated elsewhere, as Rava maintains that one must remove all leaven from his possession within thirty days of Passover, even if he will not be there on the Festival itself. As Rava said: With regard to one who turns his house into a storehouse,^H and there is leaven beneath the stored grain, if he does so before it was thirty days prior to Passover, he need not remove the leaven. Since the leaven is concealed, it is considered removed after the fact. If it is within thirty days, he must remove the leaven, as it is not considered removed *ab initio*.

HALAKHA

One who finds leavened bread in his house – הַמוּצֵא חֶמֶץ בְּבֵיתוֹ: One who finds leaven in his house on the intermediate days of the festival of Passover must destroy it immediately. If this occurred on the Festival day itself, he covers the leaven until nightfall, in accordance with the opinion of Rav. Some commentaries say that if one finds leaven that he had not nullified, it is permitted for him to carry it outside his house and even burn it on the Festival (*Mishna Berura*; *Shulḥan Arukh*, *Orah Hayyim* 446:1).

Leavened bread belonging to a gentile – חֶמֶץ שֶׁל גּוֹי: If leaven belonging to a gentile is in a Jew's house, the Jew should erect a barrier ten handbreadths high before the Festival, so that he will not come to eat it unwittingly, in accordance with the opinion of Rav (*Shulḥan Arukh*, *Orah Hayyim* 440:2).

One who travels before Passover – הַיּוֹצֵא לְדֶרֶךְ קוֹדֵם פֶּסַח: With regard to one who is planning to set out on a long journey before Passover and no one will be there to search his house for leaven, if he intends to return just before the Festival, then before he sets out he is obligated to search for leaven without reciting a blessing (*Kol Bo*). If he left within thirty days of the Festival he is obligated to search and recite a blessing before he sets out on his journey. This ruling is in accordance with the opinion of Rava, based on the Ran's understanding of the expression: His intention is to return. Some commentaries hold that one is obligated to search for leaven only if he plans to return during Passover, in which case he must search his house and remove the leaven, even if he leaves on Rosh HaShana (Rashi). Most authorities ruled in accordance with the former

stringent opinion; however, in exigent circumstances, one may rely on the latter lenient opinion (*Mishna Berura*; *Shulḥan Arukh*, *Orah Hayyim* 436:1–2).

One who turns his house into a storehouse – הַעוֹשֶׂה בֵּיתוֹ אוֹצָר: If one turns a house into a storehouse within thirty days of Passover he is obligated to search for and remove all leaven. If he does so more than thirty days before the Festival and he intends the change to be permanent, he is not obligated to remove the leaven. However, if he plans to clear the building at a later date, he is obligated to remove the leaven, in accordance with the opinion of Rava. It is proper to be stringent in this regard (*Beit Yosef*; *Shulḥan Arukh*, *Orah Hayyim* 436:1).

One asks about and teaches the *halakhot* of Passover – שואלין – דורשין בהלכות הפסח: This *halakha* was stated initially with regard to preparations for sacrificing the Paschal lamb, as the verse cited refers to the offering. The Sages later adapted the verse and applied it to observing the Festival in modern times (*Tosafot*).

HALAKHA

One asks about and teaches the *halakhot* of Passover – שואלין – דורשין בהלכות הפסח: It is customary to begin studying the *halakhot* of Passover thirty days before the Festival, in accordance with the opinion of the first *tanna*. Some commentaries say it is not necessary to do the same for other Festivals, as fewer *halakhot* apply to them. This *halakha* of studying the *halakhot* prior to the Festival is the basis of the custom for the rabbi to deliver a lecture about the *halakhot* of Passover on *Shabbat HaGadol*, the Shabbat preceding Passover (*Mishna Berura*; *Shulhan Arukh, Orach Hayyim* 429:1).

וקודם שלשים נמי לא אמרן אלא שאין דעתו לפנותו, אבל דעתו לפנותו – אפילו קודם שלשים יום נמי זקיק לבער.

And even if this occurred before it was thirty days prior to Passover, we only said that he is not obligated to remove the leaven if it is not his intention to clear away the stored grain before Passover. However, if his intention is to clear away the grain before Passover, he must remove the leaven even before it was thirty days prior to Passover, as perhaps he will not have time to remove the leaven before the Festival.

הני שלשים יום מאי עבידיהו? בדתניא: שואלין ודורשין בהלכות הפסח קודם הפסח שלשים יום, רבן שמעון בן גמליאל אומר: שתי שבועות. מאי טעמא דתנא קמא

The Gemara asks: What is the purpose of this period of thirty days that renders it significant? The Gemara answers: As it was taught in a *baraita*: One asks about and teaches the *halakhot* of Passover^{NI} thirty days before Passover. Rabban Shimon ben Gamliel says: One begins studying those *halakhot* two weeks before the Festival. The Gemara asks: What is the reason for the opinion of the first *tanna*, that one begins studying the *halakhot* of Passover thirty days before the Festival?

Perek I

Daf 6 Amud b

שהרי משה עומד בפסח ראשון ומזהיר על הפסח שני, שנאמר: "ויעשו בני ישראל את הפסח במועדו", וכתוב: "ויהי אנשים אשר היו טמאים לנפש אדם".

The Gemara explains that this *halakha* is derived from the fact that Moses was standing at the time of the first *Pesah*, on the fourteenth of Nisan, and warning the people about the *halakhot* of the second *Pesah*, which occurred a month later, on the fourteenth of Iyar. As it is stated that God said to Moses: "Let the children of Israel perform the *Pesah* at its appointed time" (Numbers 9:2). A subsequent verse says: "And Moses told the children of Israel to perform the *Pesah*, and they performed the *Pesah* in the first month on the fourteenth of the month in the evening, in the desert of Sinai" (Numbers 9:4–5). And it is written in the next verse: "And there were people who were impure due to a dead body and could not perform the Passover on that day, and they came before Moses and before Aaron on that day" (Numbers 9:6), at which point Moses explained the *halakhot* of the second *Pesah* to them. This proves that one begins studying the *halakhot* of the Festival thirty days beforehand.

ורבן שמעון בן גמליאל אמר לך: איידי דאייירי במילי דפסחא, מסיק להו לכל מילי דפסחא.

And Rabban Shimon ben Gamliel could have said to you in rejecting that proof: Since Moses was speaking with regard to the laws of Passover, he completed teaching all the matters of Passover, including those of the second *Pesah*. Consequently, one cannot derive a principle from this case.

מאי טעמא דרבן שמעון בן גמליאל? שהרי משה עומד בראש החדש ומזהיר על הפסח, שנאמר: "החדש הזה לכם ראש חדשים", וכתוב: "דברו אל כל עדת ישראל לאמר בעשר לחדש הזה יקחו להם איש ששה לביית אבות וגו'".

The Gemara asks: What is the reason for Rabban Shimon ben Gamliel's ruling? He explains that Moses was standing on the first day of Nisan and warning about the performance of the first *Pesah*, as it is stated: "This month shall be for you the beginning of the months, the first of the months of the year" (Exodus 12:2). And it is written in the next verse: "Speak to the entire congregation of Israel, saying: On the tenth day of this month they shall take for them every man a lamb, according to their fathers' houses, a lamb for each household" (Exodus 12:3). The Torah proceeds to detail the *halakhot* of the Paschal lamb sacrificed on the fourteenth day of that month.

ממאי דברישי ירחא קאי? דילמא בארבעה בירחא או בחמשה בירחא קאי!

The Gemara asks: Although this source does indicate that one should study the *halakhot* of Passover prior to the Festival, from where is it derived that he was standing and saying these matters on the day of the New Moon? Perhaps he was standing on the fourth of the month or on the fifth of the month of Nisan?

There is no earlier and later in the Torah – אין מוקדם – וּמְאוּחַר בתורה: See *Tosafot*. Within a given matter, any verse written earlier was stated first, and therefore one can interpret the verses based on that chronology. However, the incidents that appear first in the Torah did not necessarily occur earlier (Rabbeinu Gershom in his novellae). One explanation attributed to Rabbeinu Yehiel is that there is no chronological order in the Torah because had it been ordered chronologically, people would have the ability to utilize the verse and letter sequences in the Torah to create objects at will. To prevent this, God ordered the Torah portions differently (*Tosefot Rabbeinu Peretz*).

A generalization is followed by a detail – קְבַל וּפְרַט: These two methods of interpretation, a generalization and a detail and a detail and a generalization, are polar opposites. The first method restricts the generalization, while the second method expands upon the detail. Consequently, any change in the order of the verses will significantly alter its meaning.

The concept of nullification – עֲנֵן הַבֵּיטוּל: In certain versions of the Gemara it is stated that one should render the leaven null and void in his heart. Some commentaries assert that there is no need to say anything, as the nullification is merely an internal decision to renounce property (Ramban; Rabbeinu Gershom). Others maintain that although one need not verbalize the nullification, it is preferable to do so (Ritva). Yet others explain that the expression: In his heart, indicates that one must understand and identify with his declaration, and not merely recite it.

The reason for the nullification – טַעַם הַבֵּיטוּל: The search for leaven is effective by Torah law and even if some leaven remains, one does not violate the prohibition against owning it after completing the search (Rabbeinu Gershom). Apparently, the Sages instituted the nullification of leaven even in places where there is no leaven, and that is why the Gemara asks why the nullification is necessary (Rabbeinu Mano'ah). Some say that the essence of nullification is not in relinquishment of one's ownership, but is a statement designed to render the leaven abhorrent in his eyes (Talmid HaRamban; *Mikhtam*).

HALAKHA

Nullification after the search for leaven – בֵּיטוּל לְאַחַר בִּדְיוּקָה: After searching for leaven on the evening of the fourteenth of Nisan one is obligated to render his leaven null and void. He recites the formula: Any leaven or leaven that there is in my property, etc., in a language that he understands, in accordance with the statement of Rav Yehuda in the name of Rav. The formula of this nullification, found in prayer books, is a tradition from the time of the *ge'onim* (Rabbeinu Gershom), who translated a formula that appears in the Jerusalem Talmud in Hebrew (*Beit Yosef*). One should render his leaven null and void again during the day, after removing any remaining leaven. One should not render it null and void before removing the leaven, to enable fulfillment of the mitzva with leaven that he owns (Rema, based on Rav Ya'akov Weil). The reason for the second nullification is that sometimes one purchases leaven or some leaven remains that he failed to render null and void and he may neglect to remove it. However, one may not rely on the nullification recited during the day alone (*Tur*, citing Rosh; *Shulhan Arukh, Oray Hayyim* 474:2).

אָלָא אָמַר רַבָּה בַּר שִׁמִּי מִשְׁמִיָּה דְרַבִּינָא, מֵהֶכָּא: "וַיְדַבֵּר ה' אֶל מֹשֶׁה בְּמִדְבַר סִינַי בַּשָּׁנָה הַשְּׁנִית בְּחֹדֶשׁ הָרִאשׁוֹן, וּכְתִיב: "וַיַּעֲשׂוּ בְנֵי יִשְׂרָאֵל אֶת הַפֶּסַח בְּמוֹעֵדוֹ." הֲכָא נִמְי מִמָּא דְבְרִישׁ יִרְחָא קָא? דִּילְמָא בְּאַרְבַּעָה בִּירְחָא אוּ בְחַמְשָׁה בִּירְחָא קָא!

אָמַר רַב נַחְמָן בַּר יִצְחָק: אֲתֵיָא "מִדְבַר" מִ"מִדְבַר". כְּתִיב הֲכָא "בְּמִדְבַר סִינַי" וּכְתִיב הֵתֵם "וַיְדַבֵּר ה' אֶל מֹשֶׁה בְּמִדְבַר סִינַי בְּאַהֲל מוֹעֵד בְּאַחַד לַחֹדֶשׁ הַשְּׁנִי." מַה לְהֵלֵן בְּרִאשׁ חֹדֶשׁ – אִף כָּאֵן בְּרִאשׁ חֹדֶשׁ.

וַיִּכְתּוּב בְּרִישָׁא דְחֹדֶשׁ רִאשׁוֹן, וְהִדְרִי מִכְתּוּב דְחֹדֶשׁ שְׁנִי! אָמַר רַב מְנַשִּׁיא בַר תַּחְלִיפָא מִשְׁמִיָּה דְרַב: זֵאת אוֹמְרַת אֵין מוֹקְדֵם וּמְאוּחַר בְּתוֹרָה.

אָמַר רַב פַּפָּא: לֹא אֶמְרֵן אֶלָּא בְּתַרֵּי עֲנִינֵי, אֲבָל בְּחֹד עֲנִינֵיא, מָא דְמוֹקְדֵם – מוֹקְדֵם, וּמָא דְמְאוּחַר – מְאוּחַר. דָּאֵי לֹא תִימָא הָכִי – "בְּלֵל וּפְרַט אֵין בְּכֵלל אֶלָּא מַה שְּׁבַפְרַט" דִּילְמָא פְרַט וּכְלֵל הוּא.

וְתוּ, "פְרַט וּכְלֵל" – נַעֲשֶׂה כְּלֵל מוֹקְדֵם עַל הַפְרַט" דִּילְמָא כְּלֵל וּפְרַט הוּא.

אֵי הָכִי, אֲפִילוּ בְּתַרֵּי עֲנִינֵי נִמְי! הִנֵּיחָא לְמָאן דְאָמַר: "כְּלֵל וּפְרַט הַמְרוּחֵקִין זֶה מִזֶּה – אֵין דְנִין אוֹתוֹ בְּכֵלל וּפְרַט" – שְׁפִיר. אֶלָּא לְמָאן דְאָמַר "דְנִין", מָאֵי אִיכָא לְמִימַר?

אֲפִילוּ לְמָאן דְאָמַר דְנִין, הִנְי מִיָּלִי – בְּחֹד עֲנִינֵיא, אֲבָל בְּתַרֵּי עֲנִינֵי – אֵין דְנִין.

אָמַר רַב יְהוּדָה אָמַר רַב: הַבּוֹדֵק צְרִיךְ שְׂבִיבְטֵל. מָאֵי טַעַמָא? אֵין נִמְא מְשׁוּם פִּירוּרִין הָא לֹא חֲשִׁיבֵי,

Rather, Rabba bar Shimi said in the name of Ravina: The *halakha* is derived from here: "And God spoke to Moses in the wilderness of Sinai, in the first month of the second year after they came out of the land of Egypt" (Numbers 9:1), and it is written: "And let the children of Israel perform the *Pesah* at its appointed time" (Numbers 9:2). Evidently, Moses taught the *halakhot* of Passover two weeks prior to the Festival. The Gemara asks: Here too, from where is it derived that he was standing on the day of the New Moon? Perhaps he was standing on the fourth of the month or on the fifth of the month?

Rav Nahman bar Yitzhak said: The *halakha* is derived by means of a verbal analogy between the term wilderness written here and the term wilderness written previously. It is written here: "In the wilderness of Sinai," and it is written there: "And God spoke to Moses in the wilderness of Sinai in the Tent of Meeting on the first of the second month" (Numbers 1:1). Just as there it occurred on the day of the New Moon, on the first of the month, so too here, with regard to Passover, it was on the day of the New Moon.

The Gemara asks: If so, let the Torah write first that which occurred in the first month and then let it write that which occurred in the second month, as the portion of the Paschal lamb preceded the beginning of the book of Numbers chronologically. Rav Menashiya bar Tahlifa said in the name of Rav: That is to say that there is no earlier and later, i.e., there is no absolute chronological order, in the Torah,^N as events that occurred later in time can appear earlier in the Torah.

Rav Pappa said: This principle applies only when the Torah deals with two separate matters, but within one matter, that which is written earlier occurred earlier, and that which is written later occurred later; as, if you do not say so but you claim that there is no definite order within each matter, then the hermeneutic principle: When a generalization is followed by a detail^N the generalization refers only to that which is specified in the detail, is problematic. This principle is valid only if there is a definite order to the verses and words in each matter. If there is no definite order, perhaps it is actually a detail followed by a generalization, which is interpreted by means of an alternate hermeneutic principle with different results.

And furthermore, this is equally difficult with regard to the hermeneutic principle: "When a detail is followed by a generalization, the generalization becomes an addition to the detail, adding cases dissimilar to the detail. Here too, perhaps it is a generalization followed by a detail, as there is no defined order. Apparently, there must be a fixed order within a given matter.

The Gemara asks: If so, based on the above reasoning one cannot apply these principles even with regard to two matters. This statement works out well according to the opinion of the one who said: With regard to a generalization and a detail that appear in the Torah removed from one another, one cannot derive a *halakha* from it with the principle of a generalization and a detail. However, according to the one who said: One derives from a generalization and a detail that are removed from one another by means of said principle, what is there to say?

The Gemara answers: Even according to the one who said that one derives a *halakha* from a generalization and a detail that are removed from one another, this applies only with regard to one matter, i.e., verses dealing with the same issue, even if they do not appear together. However, if they address two different matters, one cannot derive a *halakha* from a generalization and a detail, as the Torah is not written in absolute chronological order.

Rav Yehuda said that Rav said: One who searches for leaven must render all his leaven null and void, cognitively and verbally.^{NH} The Gemara asks: What is the reason for this?^N If you say it is due to crumbs that he failed to detect in his search, they are inherently insignificant, and null and void by definition.

Remaining figs and grapes – סופי תאנים וענבים – At the end of the fig season, when most of the figs have already been picked, the owner may still be guarding his field to prevent the poor from collecting the remaining figs. If the owner is particular about the remaining figs then it is prohibited to take them. Therefore, if one eats these figs with permission from the owner, he is obligated to tithe them first. If the owner is not particular about them, they are considered ownerless and anyone may take them. In that situation one is exempt from tithing them, in accordance with the *Tosefta* here (*Rambam Sefer Zera'im, Hilkhot Ma'aser* 1:12).

Nullification after the time of prohibition – ביטול לאחר זמן – **איסור**: After leaven has become prohibited it is no longer considered the property of its owner, and therefore it can no longer be nullified (*Shulhan Arukh, Orah Hayyim* 434:2).

LANGUAGE

Cake [geluska] – גלוסקא – From the Greek κόλλιξ, *kollix*, meaning cake or round loaf of bread.

וכי תימא: כיון דמינטר להו אגב ביתיה
חשיבי – והתנא: סופי תאנים ומשמר
שדהו מפני ענבים, סופי ענבים ומשמר
שדהו מפני מקשאות ומפני מדלעות,

בזמן שבעל הבית מקפיד עליהן –
אסורין משום גזל וחיובין במעשר, בזמן
שאין בעל הבית מקפיד עליהן – מותרין
משום גזל ופטורין משום מעשר!

אמר רבא: גזירה שמה ימצא גלוסקא
יפה ודעתיה עילוייה. וכי משפחת ליה
לבטליה! דילמא משפחת ליה לבתר
איסורא, ולא ברשותיה קיימא, ולא
מצי מבטיל.

דאמר רבי אלעזר: שני דברים אינן
ברשותו של אדם ועשאן הפתוב כאילו
ברשותו, ואלו הן: בור ברשות הרבים,
וחמץ משיש שעות ולמעלה.

וניבטליה בארבע, וניבטליה בחמש!
כיון דלאו זמן איסורא הוא, ולא זמן
ביעורא הוא – דילמא פשע ולא מבטל
ליה.

And lest you say: Since they are protected on account of their very presence in his house, whose protection is important to him, they are significant and are not null and void, wasn't it taught in the *Tosefta* that this is not the case? When the end of the fig season arrives, and those remaining figs on the trees are few and of inferior quality, there is room to assume that the owner has renounced his ownership over them. However, he continues to guard his field due to the grapes, which are harvested at that time. Similarly, when the end of the grape season arrives, those few remaining grapes^H are of inferior quality and the owner guards his field due to the cucumbers and due to the gourds, which have not yet been harvested.

When the owner is particular about the figs and the grapes respectively, it is prohibited to take them, due to the prohibition against robbery, and one with permission to eat them is obligated due to the mitzva to separate the tithe from them, as they are considered like any other fruit. When the owner is not particular about them, it is permitted to eat them due to the fact that the prohibition against robbery does not apply, and one who eats them is exempt due to the fact that the obligation to separate the tithe does not apply, as they are ownerless property. This indicates that if one is not particular about an object, even if it is located in property that he is guarding for another purpose, that object is not thereby rendered significant. The same reasoning applies to breadcrumbs that remain in one's house.

Rava said: The reason for the requirement to render leaven null and void is based on a decree lest he find a fine cake [*geluska*]^{LN} among the leaven that he did not destroy and his thoughts are upon it. Due to its significance, he will hesitate before removing it and will be in violation of the prohibition against owning leaven. The Gemara asks: And let him nullify it when he finds it.

The Gemara rejects this suggestion. Perhaps he will find it only after it is already forbidden, and at that time it is no longer in his possession and he is therefore unable to nullify leaven when it is already Passover,^H as Rabbi Elazar said: Two items are not in a person's possession in terms of legal ownership, and yet the Torah rendered him responsible for them as though they were in his property. And these are they: An open pit in the public domain, for which the one who excavated it is liable to pay any damages it causes even though it does not belong to him; and leaven in one's house from the sixth hour on the fourteenth of Nisan and onward.^N As this leaven has no monetary value, since it is prohibited to eat or to derive benefit from it, it is not his property, and nevertheless he violates a prohibition if it remains in his domain.

The Gemara returns to the issue of the nullification of leaven. If so, let him render the leaven null and void during the fourth hour or let him render it null and void during the fifth hour of the fourteenth of Nisan. Why is he required to do so when he searches for leaven on the evening of the fourteenth? The Gemara answers: Since the fourth hour is neither the time of the prohibition of the leaven nor the time of its removal, it is a nondescript point in time. There is concern that perhaps he will be negligent and will not render it null and void, and the leaven will remain in his possession.

NOTES

Fine cake – גלוסקא יפה: The concern that his thoughts are upon it can be explained in several different ways. Some say that during the search for leaven he will have in mind to eat it after completing the search since it is not merely crumbs, and ultimately he will fail to remove it either due to laziness or forgetfulness (*Rif; Rambam; Toseftot Rid*). According to Rashi, apparently this concern applies even if he did not see the cake, e.g., if it was placed in a hole or it was taken by mice (*Rabbeinu Yehonatan*), and he found it after the prohibition had taken effect. Since it is a fine cake, there is concern that he will consider keeping it,

and in doing so he will violate the prohibition: "It shall not be found" (*Me'iri*).

A pit and leaven – בור וחמץ: Since one regards them as his own and he is interested in their continued existence, they are considered as though they were his (*Rav Yehuda ben Rav Binyamin HaRofeh*). Apparently, in general, the Sages consider one responsible for objects from which it is prohibited for him to derive benefit, although they do not technically belong to him (*Rabbi Aharon HaLevi*).