

TRACT PESACHIM (PASSOVER).

CHAPTER I.

REGULATIONS CONCERNING THE REMOVAL OF LEAVEN FROM THE HOUSE ON THE EVE OF PASSOVER AND THE EXACT TIME WHEN THIS MUST BE ACCOMPLISHED.

MISHNA "Or" (by light) on the fourteenth (of Nissan), search should be made for leavened bread by the light of a candle, but it is not necessary to search all places in which it is not usual to put leaven. [Why then was it ordered, that two rows (of barrels) should be searched? Because a warehouse or wine cellar is treated of, into which leavened bread is sometimes carried.] Beth Shammai decide "that search must be made between two rows of barrels over the whole surface of the warehouse"; but Beth Hillel decree: It is sufficient to search between the two uppermost rows, as they are also the highest.

GEMARA: What is meant by "Or"? Said R. Huna: "The dawn of day," and R. Jehudah said: "Night." At the first glance it was presumed that the word "Or" was actually explained by R. Huna to mean "the break of day," and by R. Jehudah to mean "night."

An objection was made, however, based upon the passage [Genesis xlv. 3]: "As soon as the morning was light ('Or') the men were sent away," etc. Thus we see that "Or" means "day"? Does then the passage say in the light of the morning? it says distinctly "when the morning was light," which means when the morning was already light, the men were sent away.

Another objection was made: It is written [II Samuel xxiii. 4]: "And as in the light of morning the sun riseth," whence we see that by light is meant "day." Does it then read in the passage "Or Boker" (light is morning)? It reads "Uchor Boker," which means "as the light of the morning," and this should be understood thus: "As the light of the morning on

this earth; so will the sun shine for the righteous in the world to come."

Another objection was made: "It is written [Gen. i. 5]: 'And God called the Or (light) Day,' whence we see, that light (Or) is day?" The passage means to say, that just as soon as it dawned the Lord called it "day."

Another objection was made: "It is written [Psalms cxlviii. 3]: 'Praise him, all ye stars of light (Or).' Whence we see that Or means night?" The passage means to say, "Ye stars that light."

Another objection was made: "It is written [Job xxiv. 14]: 'With the earliest light (Le-Or) riseth the murderer, he slayeth the poor and needy, and in the night he becometh like the thief.' Now, if the latter part of the passage states 'in the night he becometh like the thief,' then the first part must certainly mean to state, that at break of day the murderer slayeth those that pass by, while at night he robbeth houses like the thief. Whence we see that 'Or' means day?" The passage means to say the following: If it is as clear as day to thee that the murderer cometh to slay thee, thou mayest slay him in self-defence; but if it is doubtful to thee whether he comes to slay thee or not, thou shouldst treat him as an ordinary thief and try not to slay him."

Another objection was made: "It is written [Job iii. 9]: 'Let the stars of its twilight be darkened; let it hope for light, and there be none.' Thence we see that by light (Or) is meant day?" The passage means to infer, that job when cursing his fate, said also, that the man who announced his birth should hope for light and not be able to find it.

Another objection was made: "It is written [Psalms cxxxix. ii]: 'Surely darkness shall enshroud me, and into night be turned the Or (light) about me.' Whence we see, that by light (Or) is meant day?" In this passage David means to express the following: I thought, that in the world to come, which is equal to daylight, darkness will enshroud me, and now I find that even on this earth (which compared to the world to come is as night) it has also become light for me.

Yet another objection was made: "We learn further on in the Mishna: R. Jehudah said: 'Leaven should be searched for "Or" on the fourteenth, and in the morning of the fourteenth and at the time when the leaven is about to be burned.' If then R. Jehudah says, that on the morning of the fourteenth

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leaven should be searched for, and preceding that he says 'Or' on the fourteenth, 'Or' must certainly mean 'night'?" Therefore we must say, that it is not as was presumed at the first glance to be the case, that R. Huna differed with R. Jehudah concerning the time of searching for leaven, but that both agreed upon twilight as being the proper time for that purpose, and by "Or" is meant "night," but the case was simply this: At the place where R. Jehudah resided twilight was called night, while in R. Huna's place of abode twilight was still called (day)light.

If this is so, why did the Tana of our Mishna commence with the word "Or"? Could he not have said plainly "on the eve"? He wished to commence the Mishna with a pleasing word and not with one suggesting darkness, and this is as R. Jehoshua ben Levi said elsewhere: At no time should a man allow an ill-sounding word to escape from his mouth; for the following verse used eight superfluous letters in order to circumvene the use of one ill-sounding word, as it is written [Gen. vii.]: "Of the clean beasts, and of the beasts that are not clean." Thus instead of using the word unclean (Hatmeah), it is written "that are not clean," which makes a difference of eight letters. [1](#)

Now if the question concerning the word "Or" has been finally decided and "Or" is supposed to mean "twilight," let us see why leaven must be searched for at night. Both according to R. Jehudah and R. Meir (as will be seen further on) it is prohibited to eat leavened bread from the sixth hour, and further, of the fourteenth of Nissan, let the time for searching commence at that hour. If the claim be made, that pious men seek to fulfil a religious duty even before the

specified time, let them commence to search for leavened bread at sunrise on the fourteenth; but why at night? Said R. Na'hman bar Itz'hak: "This was ordained, because at twilight the men are generally in the house and the light of a candle at that time is the best means by which to search for leavened bread."

Said Abayi: Therefore a young scholar should not commence his study at twilight on the thirteenth of Nissan, as he might become engrossed in the ordinances and forget to search for leaven. [2](#)

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The master said: "A man should not allow an improper word to escape his lips."

Two disciples sat before Rabh: One of them said to him: "To-day's study of the ordinances made me as tired as a hog." The other one said: "To-day's study made me as tired as a tired goat." From that day on Rabh did not speak to the first of these disciples.

Two disciples (also) sate before Hillel, and one of them was R. Johanan ben Zakai. According to another version: Two disciples sate before Rabbi and one of them was R. Johanan. One of them asked: "Why must wine be pressed with clean utensils and olives do not require clean utensils?" The other disciple at some other time inquired: "Why must wine be pressed with clean utensils whereas for oil unclean utensils may be used?" Whereupon the master remarked: "I am certain that the one who put the former query to me will very shortly be empowered to decide legal questions in Israel." As a matter of fact, it was not long after when this came to pass.

There were three priests. One of them said: "My share (of the showbreads) was about the size of a bean." The other said: "My share was about the size of an olive." And the third one said: "My share was about the size of a lizard's tail." When the language of the last was heard, an investigation was made, and it was found that he was not a genuine priest.

There was a certain Aramæan who was wont to come to Jerusalem every Passover and, representing himself to be an Israelite, would partake of the paschal lamb. When he came back home in the city of Nisibis, he said to R. Jehudah ben Bathyra: "In your Law it is written [Exod. xii. 48]: 'But no uncircumcised person shall eat thereof.' Yet I go to Jerusalem every year and eat of the best of the paschal lamb." Said R. Jehudah ben Bathyra to him: "Did they then give thee some of the fat of the tail?" and he answered: "Nay." So R. Jehudah advised him when he should go there again to ask for it. When the Aramæan came to Jerusalem the following year, he asked that he be given some of the fat of the tail. Said they to him: "Who told thee that thou couldst have it? Is not the fat of the tail sacrificed on the altar?" and he answered them: "R. Jehudah ben Bathyra told me." Said they: "What does this mean?" (Surely R. Jehudah knoweth that this cannot be.) Accordingly an investigation was made and it was found out that the man was an Aramæan, and not an Israelite, and he was punished

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for the deception. To R. Jehudah ben Bathyra, however, they sent the following message: Peace be with thee, R. Jehudah ben Bathyra, who sittest in Nisibis and castest thy net in Jerusalem.

R. Kahana became ill. So the sages sent R. Jehoshua the son of R. Idi to find out what ailed R. Kahana. He came and found that R. Kahana's soul had already passed to its rest. R. Jehoshua accordingly made a rent in his garment, but made it so that it could not be perceived, and came back weeping. The sages asked him: "Is the soul of R. Kahana gone to its rest?" and he answered: "Yea, it is; but I did not care to tell of it; for it is written [Proverbs x. 18]: 'He that spreadeth abroad an evil report is a fool.'"

Johanan of Hakukah (according to Rashi and Tosphath, but according to Rabbenu Hananel Johanan the Scribe) went out into the villages. Upon his return he was asked whether the wheat-crop was a success. He answered: "Barley is plentiful." They rejoined: "Go and report that to the horses and asses, as it is written [I Kings v. 8]: 'The barley and the straw also for the horses,'" etc. What then should Johanan have said? He ought to have said: Last year's crop was good or lentils are plentiful (*i.e.*, spoken of something fit for human beings to eat).

There was a man who used to go about and at every opportunity would say "Dono Dini" (Judge ye my judgment). Whence it was inferred that the man was one of the tribe of Dan, concerning whom it is written [Gen. xlix. 16]: "Dan shall judge his people, as one of the tribes of Israel."

There was another man who continually used to say: "On the edge of the sea will I build my palaces." It was said, that the man was probably of the tribe of Zebulon, concerning whom it was written [ibid. 13]: "Zebulon shall dwell at the edge of the seas."

A question was propounded to R. Na'hman bar Itz'hak: "If a man let a house to another on the fourteenth (of Nissan), who of the two men must search for leavened bread? Shall we say, the one who let the house, because whatever leavened bread there may be in the house is his, or that the renter must search for it, because it will be found in his domicile?" Answered R. Na'hman bar Itz'hak: "This was taught in a Boraitha, viz.: If a man let a house to another and have not yet delivered the keys before the fourteenth of Nissan, he must

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search for leavened bread; but if the keys were delivered on the fourteenth, the renter must search for it."

Another question was propounded to the same R. Na'hman: "How is it, if a house was rented on the fourteenth (of Nissan) (and it is not known whether the leavened bread had been searched for or not), shall we assume, that if the house was rented from an Israelite, there is no question, but that the leavened bread had been searched for on the preceding night, or shall we not assume such to be the case?" ["What question was this: Let the man who let the house be asked." "In case the man who let the house could not be found] must the renter be troubled to go and search for leavened bread under those circumstances or not?" and R. Na'hman replied: "We have learned this in a Boraitha: 'All persons are credited if they assert, that the leavened bread was removed, even women, slaves, and minors.'" Why are they credited? Because the probability is that such was the case; and the entire law concerning the search for leavened bread is merely a rabbinical institution, the biblical law holding it to be sufficient, if the use of the leavened bread was renounced in thought only; hence where a rabbinical regulation was concerned, anyone testifying that it had been complied with, was credited by the Rabbis.

The schoolmen propounded a question: "If a man let a house to another and told him, that he had already searched for leavened bread; but it was subsequently proven, that he had not, what is the law governing this case? Shall we say, that the renter may on that ground withdraw from his agreement (and not rent the house), or that the agreement is nevertheless binding?" Come and hear: Abayi said: "Not only in such places where the search for leavened bread is not paid for is the agreement binding, because it is more satisfactory to a man to perform a religious duty himself; but even in such places, where men are hired and paid to make search for leavened bread, the agreement is binding, because it is more pleasing to a man to accomplish a religious duty with his own money."

Said R. Jehudah in the name of Rabh: "One who finds leavened bread in his house on the festival (of Easter) should cover it with a vessel (because it must not be handled)." Said Rabha: If the leavened bread was not his property but was consecrated, he need not even cover it with a vessel (because the article being consecrated there is no fear of its being eaten, and people as a rule keep away from consecrated things).

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The same said again in the name of the same authority: "If there was leavened bread belonging to a Gentile in the house of a man, he should make a partition ten spans high as a sign that it should not be touched, but if the leavened bread was consecrated he need not make that partition (because the bread being consecrated there is no fear of it being eaten)."

He said again in the name of Rabh: "One who leaves his house to go to sea or to go with a caravan prior to thirty days before the Passover, he need not search for leavened bread; but if he goes away *within* the thirty days preceding the Passover, he must burn the unleavened bread in his house." Said Abayi: "A man who leaves his house within the thirty days preceding Passover must burn the unleavened bread if his intention is to return on the Passover, but if such is *not* his intention, he need not do this," and Rabha rejoined: "If a man leave his house and intend to return *on the Passover*, he must burn the unleavened bread even on the New Year day. Why only if he leave within the thirty days before Passover? Therefore," explained Rabha, "the rule that one need not search for the unleavened bread if he leaves prior to thirty days before Passover applies to one who does not intend to return on Passover, but if his intention is to return on Passover, he must do this even if he leaves on New Year day." And Rabha decrees thus in accordance with his theory elsewhere, namely: If one turned his house into a warehouse prior to thirty days before Passover and there was leavened bread in that house, he need not search for it (because, when the Passover arrives, the leavened bread will lie underneath the grain stored in that warehouse); but if he did this within thirty days preceding Passover, he must search for leavened bread (notwithstanding the fact that it will lie underneath the grain; for during these thirty days the duty to search for leavened bread is already incumbent upon him, whereas prior to that time he was not even supposed to think of removing the leavened bread). Concerning the statement, that one need not search for the leavened bread if he turned his house into a warehouse prior to thirty days before Passover, it holds good only if he did not intend to do this before Passover; but if he did intend to turn his house into a warehouse before Passover, he must search for the leavened bread even then.

Why are thirty days particularly specified? It is as we have learned in a Boraitha, viz.: "One may inquire and preach concerning the laws of Passover thirty days previous to that festival."

[paragraph continues] R. Simeon ben Gamaliel said: "Two weeks before." (Why does the first Tana prescribe thirty days?) Because Moses at the time of the first Passover already made the regulations concerning the second Passover (which was celebrated thirty days later), as it is written [Numbers ix. 2]: "That the children of Israel shall prepare the Passover lamb at its appointed season," and [ibid. 10 and 11]: "Speak unto the children of Israel," etc In the second month, on the fourteenth day," etc. Why, then, does R. Simeon ben Gamaliel not agree with the first Tana? Because he holds, that Moses only enacted those regulations because it was Passover (yet this should not be made a general rule; hence two weeks are sufficient).

R. Jehudah said in the name of Rabh: "He who searches for the leavened bread must at the same time renounce its use in his mind." Why so? On account of the crumbs? Those are of no value! Said Rabha: The reason is, lest he find a useful piece of bread and will not care to burn it (in which case should he even hold it for one second he will transgress the law of "There shall be no leavened bread in thy house," etc.). Can he not renounce its use as soon as he perceives it? It may be, however, that he will not find it until it is too late to renounce its use, for R. Elazar said: "Two things are without the province of man; but the Law made him responsible for them nevertheless, as if they were his property, and they are: A pit in public ground (concerning which a man is responsible if another falls into it as explained in Tract Babah Kamma) and leavened bread after the sixth hour (on the fourteenth of Nissan); although the bread is no more in his possession, still he is responsible for it."

Let the man then renounce the use of the bread in the fourth or fifth hour? As that is not the time either for searching or for burning, there is fear lest a man forget to do this at that time. Let him renounce its use then in the sixth hour, when he is about to burn it. (This being according to a rabbinical enactment illegal, makes it the equivalent of a biblical prohibition?) (As R. Giddel said in the name of Rabh. Vide Chap. II., page 31.)

It is said, that after the prohibition to use bread had already gone into effect, it is not allowed to renounce its use, have we not learned in a Boraitha: "If a man sate in the house of learning and was suddenly reminded that he had not removed the leavened bread from his house, he may renounce its use in thought,

whether this happened on a Sabbath or on a festival?" This would be correct if the eve of Passover fell on a Sabbath; but how can this be done on the festival itself (for it is already Passover and the leavened bread is no longer the property of the man, how then can he renounce its use)?

Said R. A'ha bar Jacob: The case referred to is that of a scholar who sits before his master (and cannot leave without his consent) and having been reminded that there is some dough still in his house, which would shortly become leaven, he may renounce its use before it becomes leaven. This can be inferred from the Boraitha itself, which distinctly states "if a man sate *in the house of learning*" (and if he had leavened bread in the house, what difference would it otherwise make, whether he sat in the house of learning or elsewhere)? Hence the inference.

Rabba bar R. Huna said in the name of Rabh: "If musty bread was found in a chest used for unleavened bread and for leavened bread, and the chest was used more for unleavened bread than for leavened, the musty bread may be used." How was the case? If it was known that this bread was leavened, it would not be of any consequence that the chest was used more for unleavened bread; but if it was not known whether that bread was leavened or not, why say, that the chest was used *more* for unleavened bread? The question at issue would then be for what purpose it was used last--for leavened or unleavened bread. The use it was put to last is the main issue, as we have learned elsewhere (Tract Shekalim, Ch. VII., Mishna 2) concerning money found in Jerusalem: "If found during the festivals, it is regarded as second tithes, and if at other times of the year, it is ordinary money"; and R. Shemaya bar Zera said: "If money was found on the day following the festivals, why should it not be considered second tithes, because the markets of Jerusalem were as a rule swept daily?" whence we see, that the last contingency is the one to be considered, why not apply this to the case of the musty bread? In the case of musty bread it is different. The very fact of its having become musty is sufficient evidence that it was not of recent use. Of what benefit then would it be to ascertain that the chest had been used more for unleavened bread than for leavened? If the bread is musty it is no doubt leavened bread? Said Rabba: Do not say, that Rabh meant to state, "if the chest was used more for unleavened than for leavened bread, but the days on which unleavened

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bread was used outnumbered those on which leavened bread had been previously used." If so, the case would be self-evident. Why does Rabh come to tell us this? Rabh means to state, that because the bread was very musty it might be assumed that it had been left over from the leavened bread, and he would tell us that this is not so, but that it may have been an instance of where unleavened bread had been baked on the first day of Passover and a piece was thrown into that chest, thus becoming musty.

R. Jehudah said: "He who searches for leavened bread must pronounce a benediction." How should he pronounce the benediction? R. Papi said in the name of Rabha: "Blessed be He, etc., who commanded us to remove the leavened bread," and R. Papa said in the name of Rabha: "Blessed be He, etc., who hath commanded the removal of leavened bread." Concerning the benediction which reads "commanded us to remove," etc., all agree that the words "to remove," signify an act which may be performed later; but as for the benediction "commanded the removal," R. Papi holds that "the removal" signifies an act already accomplished, while R. Papa maintains that it may refer to an act about to be accomplished. The Halakha prevails, that the benediction must be pronounced upon the removal" (in the same manner as the benediction upon "circumcision").

All agree, however, that the benediction must precede the act. Whence do we adduce this? Because R. Jehudah said in the name of Samuel: "Benedictions must be pronounced prior to the performance of every religious duty." And the disciple of Rabh (R. Hisda) said: "In all cases with the exception of (legal) bathing, in this instance the benediction should be pronounced after the act." So have we also learned in a Boraitha: "When a man had bathed and is ready to depart, he should say: 'Blessed be He, etc., who has ordained for us (the law of) bathing.'"

"*By the light of a candle.*" The Rabbis taught: Search for leavened bread must not be made by the light of the sun, of the moon, or of a flame of fire, but only by the light of a candle; because the light of a candle is efficient for search, and although we have no actual foundation for this

regulation, still we are given a hint to that effect in the passage [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and it is written [Genesis xlii. 12]: "And he searched, at the eldest he began,"

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while [in Zephaniah i. 12] it is written: "And it shall come to pass at that time that I will search Jerusalem through with lights (candles)"; [Proverbs xx. 27] it is also written: "A lamp of the Lord is the soul of man, searching all the inner chambers of the body." (Hence as it is written in the first quotation "it shall not be found," and in the latter quotations searching is mentioned in connection with lights (candles), the hint is derived from those passages.)

Under what circumstances shall search not be made by the light of the sun? Shall we say in the case of a court? Did not Rabha say, that in a court no search need be made, because the crows consume what leavened bread may be found there? In the case of a balcony? Did not Rabha say, that on a balcony one may search by the light of the balcony itself? The injunction against using the light of the sun is applied to a window of a room, namely: At the window proper search may be made by the light entering through the window, but at the sides this cannot be relied on and a candle must be procured in order to conduct a proper search.

Not even a flame of fire may be used? Did not Rabha say, referring to the passage [Habakkuk iii. 4]: "And (his) brightness was like the sunlight; rays streamed forth out of his hand unto them: and there was the hiding of his power." "The righteous as compared with the Shekhina appear as the light of a candle to a bright flame; and concerning the benediction to be made at the close of the Sabbath-day which is pronounced over a light, he said, that a bright flame is more conducive to the efficient fulfilment of that duty?" (Why then should a flame not be permitted for the search?) Said R. Na'hman bar Itz'hak: "A candle may be applied to a hole or a crack in the wall, whereas a flame cannot be moved to such a place."

"It is not necessary to search all places in which it is not usual to put leaven," etc. What would the Mishna mean to add by stating "all places"? The Mishna means to add what was taught by the Rabbis: "The uppermost or nethermost holes in a house, the roof of an attic, the roof of a tower, a stable of oxen, a chicken-coop, a straw-shed, and the cellars where wine or oil is kept need not be searched." R. Simeon ben Gamaliel said: "A bed, which is placed in a room so that it divides the room into two parts and is so high that the space underneath it is used, must be searched."

A contradiction was interposed, based upon the following

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[paragraph continues] Boraitha: We have learned: A hole through a wall standing between two houses must be searched by the householders of each house as far as they can reach from their respective sides, and the space which they cannot reach, they must renounce in their minds. R. Simeon ben Gamaliel said: "A bed dividing a room into two parts, and having underneath it stones and wood though there still be space left between the stones and the bed, need not be searched."

Thus there is a contradiction both regarding the hole in the wall as well as the bed? This presents no difficulty: As for the hole, one that should be searched is a hole in the centre of the wall, while the Boraitha refers to an uppermost and a nethermost hole, and as for a bed, one that is very high and has a great deal of space underneath it should be searched, while one that has but little room underneath need not be searched.

Wine cellars need not be searched? Have we not learned in a Boraitha that cellars where oil is kept need not be searched, but those containing wine *must* be searched? In this case wine cellars are spoken of, that are used during meals, while in the other instance wine cellars that are only used for storage are referred to. If those that are used only, must be searched, why should cellars where oil is kept be exempt? Because there are fixed times for meals and oil is used only during meals, while wine is constantly in use and the cellars are therefore frequently entered.

R. Hisda said: The place where salt fish are kept need not be searched. Did a Boraitha say that it need be searched? This presents no difficulty. The Boraitha refers to the places where small fishes are kept (*i.e.*, it usually happens that during a meal one goes to bring more fish while having bread in his hands. R. Hisda, however, refers to a place where large fishes are kept, because usually one knows the quantity of fish he requires for the whole meal, and there is no need of getting up during the meal to bring more fish.) Rabba the son of R. Huna said: The places where salt and wax candles were kept must be searched (because it often happened that during a meal salt and candles were needed). R. Papa said: The places where wood and dates were kept needed also to be searched (because it happened that during a meal one might go for wood and by the end of a meal, go for dates). A Boraitha taught: That a man was not compelled to put his hand in a hole to search for leaven as it might be dangerous.

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R. Hyya taught: "The beer 1 cellars of Babylon were put on a par with the wine cellars of Palestine if they were frequently used."

[*"Why then was it ordered, that two rolls of barrels should be searched?"* Where is a cellar mentioned in the Mishna, that barrels should be discussed? The Mishna means to state as follows: "In all places, where it is not usual to put leaven, it is not necessary to search for leavened bread, and cellars of wine or of oil need not be searched." Why then were two rows of barrels ordered to be searched? If leavened bread was brought into such cellars and used there.]

"Beth Shammai decide that search must be made between each two rows," etc. R. Jehudah said: "The two rows mentioned are those from the ground to the ceiling, *i.e.*, the first two rows facing the door of the cellar," and R. Johanan said: The two rows mentioned are one from the ground to the ceiling and one on the top of the pile in the form of a (Greek Gamma) Γ.

We have learned a Boraitha supporting R. Jehudah, viz.: "Beth Shammai said: 'Between two rows over the whole surface of the cellar' and those two rows are from the ground to the ceiling."

We have learned another Boraitha supporting R. Johanan, viz.: "The two rows are over the whole surface of the cellar. One row faces the door and the upper row faces the ceiling. The remaining rows behind the one facing the door and those underneath the row facing the ceiling need not be searched."

"Beth Hillel decree: 'It is sufficient to search between the two uppermost rows,'" etc. Said Rabh: "Beth Hillel mean only one row not over the whole surface of the cellar, but one that faces the ceiling and the door, and another row beneath it facing the door only." But Samuel said: "Beth Hillel mean one row over the entire surface of the cellar and another row beneath it." Why do they differ? Because Rabh lays stress upon the word "uppermost" in the Mishna, which he explains as previously mentioned. [It says also "as they are also the highest," so there should be *two* highest. The Mishna calls them highest in order to contrast those beneath them, which are the lower], whereas Samuel lays stress upon the word "highest." [It also says "uppermost." These are called "uppermost" to distinguish them from those beneath them which also face the door] hence he explains the Mishna as above.

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R. Hyya taught in accordance with Rabh's opinion and all the other sages taught in accordance with Samuel's opinion. The Halakha prevails according to Samuel. [1](#)

MISHNA: (And) it need not be suspected, that a weasel have dragged any leavened bread from (one corner that had not been searched to one that had); from one house to another or from one place to another; for if so, the same suspicion might apply to a (possible) removal from one court to another, or even one city to another, and thus make the search an endless task.

GEMARA: This applies to a case where it was not observed that the weasel had dragged the bread; but if it was observed, the search must be made over again? Why should this be so? Let it be presumed, that the weasel consumed the bread.

Have we not learned in a Mishna (Tract Ohaloth): The dwellings of the heathens must be considered unclean (because it was supposed, that they buried their miscarriages in their dwellings), and how long must the heathen have dwelt in such a dwelling in order to render it unclean? Forty days, even if he had no wife; if, however, when the dwelling was vacated, it was left open so that cats and swine entered it, its uncleanness need not be even investigated. (It is certainly clean, because even should there have been such a thing as a foetus contained therein, the cats or the swine had no doubt already devoured it. Whence we see, that the supposition of the cats having devoured the unclean object renders the investigation unnecessary, why then should in our case the fact that the weasel had carried off the bread not eliminate the necessity of another search?) Said R. Zera: "This presents no difficulty; in the case of the heathen's dwelling, the uncleanness was caused by flesh, and it is not probable that any of it was left over, but where bread is concerned, it may be that some of it was left."

Said Rabha: "What question is this? In the case of the heathen's dwelling there is a twofold supposition. Firstly, the question is whether a foetus was buried in the dwelling. Secondly, assuming such to be the case, the supposition that it was devoured enters, while in our case, if the weasel was observed carrying out the bread, so much is certain, and there is merely the supposition that it was devoured and a supposition cannot emanate from an established fact."

Our Mishna states: "It need *not* be suspected," etc. Why

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then does the succeeding Mishna enjoin, that "whatever remains must be well guarded"? Said Rabha: "By 'whatever remains must be well guarded,' the Mishna means to provide against a weasel coming and dragging it away before our eyes, in which event another search will have to be instituted."

We have learned in a Boraitha in support of Rabha's dictum: "Whosoever wishes to eat Chometz (leavened bread) after the search, should take what he has left over after the search and keep it in a well-guarded place lest a weasel come and carry it off before our eyes, in which case another search will be necessary."

R. Mari said: There is apprehension, if a man have ten pieces of bread left over and finds subsequently only nine, that another search will have to be instituted. (Therefore what remains should be kept in a well-guarded place.)

If there were nine heaps of Matzoth (unleavened bread) and one heap of Chometz and a mouse came along and took a piece of one of the heaps, but it is not known whether it was of a heap of Matzoth or Chometz, the same law applies to this as to the case where there were nine shops dealing in (ritually) slaughtered cattle and one shop dealing in carrion, and a man having bought some of the meat could not tell in which place he had bought it; in that case the meat must not be eaten (notwithstanding the fact that the majority of shops dealt in slaughtered cattle). If, however, meat was found near the shops, it is presumed to be of slaughtered cattle (because the probability is that one of the majority lost it). (The same is the case in the instance of the above-mentioned nine heaps of Matzoth.)

If there were only two heaps, one of which was Matzoth and the other Chometz, and two mice came along and taking a piece each of the two heaps ran into two different houses, in one of which search had already been made, while in the other it had not yet been made. If it was not noticed which mouse ran into the searched house, the one carrying Chometz or the other carrying Matzoth: It must be presumed, that the mouse carrying Chometz entered the house that had not yet been searched; because we have been taught in a Boraitha referring to such a case as follows: If there were two heaps of grain, one being heave-offering and the other ordinary, and opposite there were two measures, one containing heave-offering and the other ordinary grain, and the heaps had fallen into the measures, but it was not known which had fallen into which, we must presume that the

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heave-offering had fallen into the measure containing heave-offering and the ordinary had fallen into the measure containing ordinary. [It might be said, however, that in these days heave-offering is merely the offspring of rabbinical law while Chometz is based upon biblical law (hence should be surrounded with more caution)! Nay; is then searching for Chometz biblical? According to biblical law renouncing the use of Chometz is sufficient.]

How is it, however, if there was but one heap and that was Chometz, while there were two houses both of which had been searched and a mouse had carried some of that Chometz into one of the houses; but it was not known into which? This presents an analogous case to two roads, one of which was clean and the other unclean and two men went on those roads but did not

know which had taken the clean road and which the unclean. "If they both consecrated grain," said R. Jehudah, "and each one separately comes to inquire concerning the law in his case, they are both considered clean; but if both come together, both are held to be unclean; (for one of them is surely so)." R. Jose, however, said: "In any event both are unclean." Commenting upon Rabba, according to another version, R. Johanan said: "If both come together, all agree that they are held to be unclean; if they come each separately, all agree that both are considered clean; their point of variance, however, is: if one comes and inquires concerning the other also. According to R. Jehudah, it is the same as if each had come separately, while according to R. Jose, it is the same as if both had come together. (The same rule applies to the two houses under consideration.)

How is it, if it was not known whether the mouse that carried off some of the Chometz had entered either of the houses at all? This presents an analogous case to a valley in which an uncleanness was lost, and remains a point of variance between R. Eliezer and the sages. (Tract Teharoth, Chap. VI., Mishna 5.)

If the mouse had entered, however, and the man instituted another search but could not find the Chometz, must he go further and search the next house also? This will present a point of variance between R. Meir and the sages and is analogous to a case where the uncleanness of a place was at issue where the object causing the uncleanness could not be found. (Bechoroth xxv. b).

If the mouse had entered the house and the man when instituting another search had actually found the piece of Chometz

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but did not know whether it is the same, that the mouse had carried in or not, it presents a similar case to the one concerning which Rabbi and R. Simeon ben Gamaliel differ, viz.: if a grave was lost and subsequently a grave was found but it was not known whether it was the same grave or not [ibid. ibid.].

If a man had left over nine pieces of bread and found ten, it again presents an analogous case to the point of variance between Rabbi and the sages concerning a case where a man had deposited one hundred coins and found two hundred. According to one opinion it is all ordinary money and according to another it is ordinary and second-tithe money combined.

If a man had left over ten pieces and only found nine, it again presents a point of variance between Rabbi and the sages similar to the case where a man had deposited two hundred coins as second-tithe and subsequently only found one hundred. According to one opinion the remainder is still second-tithe, while according to the other, the remainder is ordinary money; for it is considered as if the two hundred coins had been stolen and another hundred of ordinary money had been left in place thereof.

If the man had left the remainder of the Chometz in one corner and found it in another, according to the sages another search is necessary while according to R. Simeon ben Gamaliel it is not, and it is a similar case to the one in which they differ concerning uncleanness.

Rabha said: "If a mouse entered a house with some Chometz in its mouth and the man going in after it poured crumbs on the floor, he must make another search; because as a usual thing a mouse leaves no crumbs behind; but if a child entered and he finds crumbs when entering after the child, he need not make another, for usually a child leaves crumbs behind it."

Rabha propounded a question: "If a mouse entered a house and another came out of the same house and both had pieces of Chometz in their mouths, shall we presume that it was the same mouse in both cases or not? If it should be said, that it is the same, how is it if the mouse entering was black and the other was white, shall we assume that one took the piece of bread away from the other or that there were two separate pieces of bread? If you will say that one mouse would not take anything away from another, how would it be if a mouse entered with the piece of bread and a cat came out with a piece of bread? If we presume that the piece of bread is the same, would the cat not

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have held the mouse in its mouth also? If then, you say, that the piece of bread was a different piece, how would it be if the cat came out with the mouse and the piece of bread in its mouth? Shall we say that it is the same piece of bread and, the mouse having dropped it through fright, the cat picked it up, or that were it the same piece of bread the mouse would have had it in its mouth?" This question is not decided.

MISHNA: R. Jehudah said: "Search (for Chometz) should be made on the evening ('Or') before the 14th (of Nissan), early on the morning of that day and at the time (when all Chometz must be removed);" but the sages said: "If search had not been made on the evening preceding the 14th (of Nissan), it may be made on that day; if neglected on that day, it may be made on the festival, [1](#) and if omitted even then, it must be done after the festival, [2](#) and whatever Chometz is left over, must be kept in a well-guarded place, in order that no further search may become necessary.

GEMARA: What reason has R. Jehudah for his assertion?, R. Hisda and Rabba bar R. Huna both say: "He bases his assertion upon the fact that the search or the removal of Chometz is mentioned three times in the Scriptures" [Exod. xii. 15, *ibid.* 19, and *ibid.* xiii. 7].

R. Joseph objected: We have learned in a Boraitha: R. Jehudah said, "If he did not make the search at any of these three times, he need not make any search at all. Hence we see that R. Jehudah does not differ with the sages only concerning the necessity of searching after the three stated times had passed. R. Jehudah in reality only means to state that search should be made but once and that at one of the times mentioned, but if the three appointed times had passed he must not make search on the festival, lest he find some leavened bread and eat it; while the sages hold, that he may do so even on the festival and there is no fear of his eating any of the Chometz which he might find.

MISHNA: R. Meir says: "It is lawful to eat (Chometz on the 14th of Nissan) the whole of the first five hours and what remains must be burned at the commencement of the sixth

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hour," but R. Jehudah says: "It is only permitted to eat (Chometz) the first four hours; during the whole of the fifth hour this must be abstained from and it must be burned at the commencement of the sixth hour."

R. Jehudah *also* taught: Formerly (during the existence of the Temple) two cakes of thanksgiving-offering which had become desecrated were exposed on a bench (of the Temple). As long as the two cakes remained there, all the people still ate leavened bread; when one of them was removed, they abstained from eating it but did not yet burn it; when both were removed, all the people commenced burning (the Chometz). Rabbon Gamaliel says: Ordinary (Chometz) may be eaten during the first four hours; but heave-offering may still be eaten during the fifth hour; both, however, must be burned at the commencement of the sixth hour.

GEMARA: We see thus, that at the commencement of the sixth hour, all agree, Chometz must be burned. 1 Whence do we adduce this? Said Abayi: From two passages, viz. [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and [ibid. 15]: "But on the first day ye shall have put away leaven out of your houses." According to this, then, on the first day there would still be leaven in the house and this would be contrary to the ordinance of the first passage? Hence we must say, that by "the first day" is meant the day preceding the festival. Then why say the sixth hour? Say that already early in the morning of the day preceding the festival (leaven should be burned). The word "but" with which the passage commences divides the day into two parts, so that in the morning leavened bread may be eaten while in the afternoon it must not.

The disciples of R. Ishmael taught: The reason that Chometz must be removed on the 14th (of Nissan) (the eve of Passover) is because that day is referred to as the first day (of the festival) in the passage [Exod. xii. 18]: "In the first, on the fourteenth day of the month, at evening shall ye eat unleavened bread," etc.

Rabha said: "The reason may be inferred from the passage [Exod. xxxiv. 25]: 'Thou shalt not offer the blood of my sacrifice with leaven; neither shall be left unto the morning the sacrifice of the feast of the passover,' which signifies, that the Passover sacrifice must not be offered up as long as there is yet

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leaven." If that be the case, then it might be said that the leaven should be burned by each man immediately before offering his passover sacrifice; why designate the sixth hour? The passage means to state, that when the *time* for the Passover sacrifice arrives, there must no longer be any leaven on hand.

We have learned in a Boraitha in support of Rabha: It is written: "But on the first day ye shall have put away leaven out of your houses," and by the first day is meant the day preceding the festival. Whence do we know this? Perhaps the first day of the festival is meant? Nay; for there is another passage stating: "Thou shalt not offer the blood of my sacrifice with leaven," which signifies, that the Passover sacrifice must not be offered up while there is yet leaven on hand. So said R. Ishmael. R. Aqiba, however, said: "The second passage quoted is not necessary, for it is written, 'But on the first day ye shall have put away leaven out of your houses,' and again [Exod. xii. 16]: 'No manner of work shall be done on them'; thus we see that the leaven could not be

burned on that day, for is not burning one of the principal acts of labor."

R. Jose, however, said: R. Aqiba's additional passage is not necessary either; for it says "But," and that "but" signifying that the day must be divided, if the first day were the first day of the festival, how could it be divided? No leaven must be eaten at any time during the festival proper. (If it should be said), that eating leaven only is prohibited but removing or burning it is permitted even on the first day, it would not be correct; for removing leaven is mentioned at the same time as the prohibition to eat leaven bread and at the same time also it is ordered that unleavened bread be eaten, whence we see, that at the time when Matzoth should be eaten no leaven must be on hand. Matzoth must be eaten on the evening of the 14th, hence no leavened bread must be on hand at the time. In consequence the "but" signifies the division of the day preceding the festival.

Rabba said: "Three things may be inferred from the words of R. Aqiba, and they are: Firstly, that R. Aqiba holds according to the opinion of R. Jehudah, that Chometz can be removed only by burning it; secondly that he holds with the opinion of R. Nathan, that the additional commandment not to kindle a fire: on a Sabbath was taught for the sake of separation (of other acts) [1](#); and thirdly, that he does not hold that, because

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a fire may be made for the purpose of cooking on a festival, it may be also made for any other purpose."

The Rabbis taught: For what purpose is the passage "Seven days no leaven shall be found in your houses" written; it is stated *once* already [Exod. xiii. 7]: "And there shall not be seen with thee any leavened bread, neither shall there be seen with thee any leaven in all thy boundaries"? Because from the latter passage it might be assumed that only such leaven as belongs to the man must not be seen; but leaven belonging to others or such as is consecrated may be seen, and it might also be assumed, that one may hide leaven or may keep for a Gentile leaven intrusted to his care and for that reason the other passage says: "no leaven shall be *found*." Then again it may be presumed, that it is not permitted to receive any leaven from a Gentile living in a different place or one who is not under thy control, but how do we know that it is also not permitted to receive leaven from one who lives in the same house or is under thy control? To that end the passage reads "no leaven shall be found *in your houses*." Thus we know that it must not be found in the *houses*, but whence do we adduce that it may not be stored in caves or cellars? From the passage which reads: "Neither shall there be seen with thee any leaven *in all thy boundaries*."

Then again it might be said that if any leaven was found in the houses, one is culpable for transgressing the ordinance relating to "it shall not be seen" nor "found" nor "be hidden" nor "be received from Gentiles," while concerning the boundaries, it might be assumed that one's own leaven must not be seen but that belonging to others or consecrated leaven may be seen; but whence do we know that the ordinances relating to the houses apply also to the boundaries and *vice versa*? To that end the word leaven is repeated. Leaven is mentioned in connection with the houses and also in connection with the boundaries; thus if leaven be found in the house of a man, he is culpable of transgressing the ordinances "it shall not be seen" nor "found" nor "hidden" nor "received from a Gentile"; so is it also in the case of boundaries, and as in the boundaries a man's *own* leaven must not be seen but that belonging to others may; so is it also in

the case of houses, a man's own leaven must not be seen, but that belonging to others and consecrated leaven may be seen.

The master said: "It is not permitted to receive any leaven

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from a Gentile living in a different place or from one who is not under thy control, but whence do we know that it is also not permitted to receive leaven from one who lives in the same house or is under thy control?" How is this to be understood? The question should be to the contrary? Said Abayi: "Read the question in the opposite sense" (*i.e.*, it may be presumed that only from a Gentile living in the same or under thy control leaven must not be accepted, but whence do we know that from one living elsewhere or *not* under thy control it must not be accepted?) Rabha, however, said: The question need not be inverted, because it refers to the first part of the teaching of the Rabbis, which says, that a man's own leaven must not be seen but that of others, or consecrated leaven, may; hence it is said, "that leaven belonging to a Gentile living elsewhere or not under thy control must not be seen, but whence do we know that leaven of a Gentile under thy control maybe seen?" Rabha concludes that the leaven of a Gentile under thy control may be seen and does this from the passage which distinctly states that it must not? He does this because the passage contains the words "with thee" twice. The master said: "It might be assumed, that one may keep for a Gentile leaven intrusted to his care, and for that reason the passage says, 'it shall not be found.'" Was it not just said, that leaven belonging to others and such as was consecrated may be seen? This presents no difficulty. Such as a man is not responsible for may be seen, but such as is intrusted to his care is considered as his own and must not be seen, as was said by Rabha to the inhabitants of Mehuzza: "Ye shall remove the Chometz belonging to the government from your houses, because ye are responsible for it and should it be stolen ye must make compensation, hence it is regarded as your own and must not be found in your houses."

This would be correct according to the Tana who holds, that an object which entails a possible pecuniary indemnity is not considered as the property of the one responsible for it; hence a separate passage is required to ordain, that this must not be kept; but according to the Tana who holds such an object to be the property of the one responsible for it (as if he had indemnified its original owner for its loss), why is a separate passage necessary? Because we might assume, that the object not yet being subject to an indemnity it is still the property of another and hence may be seen, we are told that such is not the case,

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The Rabbis taught: If a Gentile came into the court of an Israelite (on Passover) with a piece of leaven in is and, the Israelite is not obliged to insist upon its removal. If the Gentile, however, had given it to the Israelite for safe-keeping, it must be removed. If a special place, however, was provided for such leaven, it need not be removed, because the passage only states, that "leaven must not be found in your houses." Where a special place had been provided, that place is considered as belonging to the Gentile.

"*R. Jehudah says*: "Rabha said: "R. Jehudah's reason for his statement is the fact that he holds that the only manner in which Chometz may be removed is by burning, hence he allows us the fifth hour in order to prepare the wood for the fire." Rabhina objected to this statement: "Have

we not learned, that R. Jehudah said removal by burning is only to be effected if the appointed time for the removal had not yet arrived; but if it had, the leaven may be removed by any means whatever?" Therefore Rabha said: "R. Jehudah's reason for his statement was the fact that the exact hour could not be ascertained on account of a cloudy day: and hence a man might mistake the sixth hour for the fifth." If that be so, then it should not be allowed to eat leaven even in the fourth hour? The fourth hour is a general time for eating, 1 hence no mistake can be made.

R. Na'hman in the name of Rabh said: "The Halakha prevails according to R. Jehudah." Said Rabha to him: "Why does not the master say that the Halakha prevails according to R. Meir; for have we not a Mishna by anonymous teachers (the first Mishna in Chapter II.) which bears out R. Meir?" "That Mishna is not in accordance with R. Meir, because it is opposed by others." "Then," rejoined Rabha, "why does master not say, that the Halakha prevails according to R. Gamaliel, who in this instance is the mediator between R. Jehudah and R. Meir?" Answered R. Na'hman: R. Gamaliel is not the mediator in this case, but merely asserts his own opinion, and if it is thy wish, I would tell thee, that Rabh holds with the Tana in the following Boraitha: If the 14th (of Nissan) fall on a Sabbath, all leaven must be removed before the Sabbath. Unclean or doubtful heave-offering must be burned and from clean heave-offering, which, however, cannot be used on the Passover, sufficient for two meals only must be left over for consumption

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before the fourth hour. So said R. Elazar ben Jehudah the man of Barthutha in the name of R. Jehoshua. He was asked why the clean heave-offering should be burned, perhaps there may be found such as can eat it, and he answered: "Such men were sought but could not be found," but the Rabbis persisted: "Perhaps there were priests who passed the night beyond the town and might come in on the morrow and eat it?" R. Elazar replied: "According to your argument, the doubtful heave-offering should not be burned either lest Elijah come on the morrow and declare it clean!" and they rejoined: "It is known that Elijah will not come on the eve of Sabbath." In conclusion the Boraitha relates, that the sages carrying on the discussion did not move from their places until it was finally declared that the Halakha should remain according to the dictum of the mentioned R. Elazar ben Jehudah in the name of R. Jehoshua.

Then, if the Halakha prevails according to R. Elazar ben Jehudah it may be assumed, that concerning eating on the day preceding Passover nothing must be eaten after the fourth hour. Said R. Papa in the name of Rabha: "The Halakha prevails according to R. Elazar only concerning the removal of leaven but not concerning the hour of eating."

Rabbi also holds in accordance with the opinion of R. Na'hman; for Rabhin bar R. Ada related: "There was a man who stored a basket full of Chometz with Johanan Hakuka, and mice having gnawed holes in the basket, the Chometz commenced spreading. In the first hour of the eve of Passover Johanan came to Rabbi and asked him what to do. Rabbi told him to wait. In the second hour he still told him to wait, and so also in the third and fourth hour (perhaps the man might come to remove the basket). In the fifth hour he told him to take out the basket and offer it for sale in the market." We must assume, that he advised him to sell it in the market to Gentiles because Israelites could not use it at that hour and hence held with R. Na'hman that the Halakha prevails according to R. Jehudah.

Said R. Joseph: "Nay; he advised to sell it in the market and even to Israelites, thus holding to

the opinion of R. Meir." Rejoined Abayi: "What need was there of his selling it in the market (to an Israelite), he could have used it himself under those circumstances?" And R. Joseph replied: "He could not do this on account of a possible suspicion that he would not pay the man a fair price." Said R. Ada bar Mattna to R.

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[paragraph continues] Joseph: "Thou thyself at one time told us distinctly that Rabbi advised him explicitly to sell it to Gentiles, because he was of the opinion of R. Jehudah."

"*R. Jehudah also taught,*" etc. One Tana taught in the presence of R. Jehudah, that the two thanksgiving-offering cakes were laid on the benches. Said R. Jehudah: "Was it then the intention to hide the cakes, that they should be put on the benches? Say, rather, they were placed on the roof surmounting the benches, where they could be seen."

Rahba said in the name of R. Jehudah: "On the mount of the Temple there was a double arched seat. We have also learned to this effect in a Boraitha, and R. Jehudah said: It was called Istavanith (columns) because a roof surmounted the seat, and the seat was composed of two arches one within the other."

"*Which had become desecrated.*" Why had they become desecrated? Said R. Hanina: Because the cakes were such as had been brought with thanksgiving-offerings and there being so many of them they could not be consumed within the statutory time; hence they became desecrated by being left over night, as we have learned in a Boraitha: "It is not permitted to bring thanksgiving-offerings on Passover, because cakes of unleavened bread must be brought with them." Is this not self-evident? Said R. Ada bar Ahabha: "The Boraitha refers not to the Passover but to the day preceding it; and we are told, that no thanksgiving-offerings should be brought on that day, because there will not be sufficient for the consumption of the leavened cakes before the morrow. Therefore such offerings were brought on the thirteenth; but as there were still more leavened cakes than could be consumed, the remaining ones became desecrated over night (and of these two were placed on the benches)."

We have learned in a Boraitha upon the authority of R. Elazar, that the cakes were not desecrated; that when both were still on the benches all the people still ate leavened bread, when one was removed eating was abstained from and when both were removed it was commenced to burn the leaven.

In another Boraitha we have learned: Abba Saul said: There was another sign, viz.: Two cows were drawing a plough on the Mount of Olives. While both cows were seen, all the people still ate leavened bread; when one of them was taken away, the people abstained from eating and as soon as the other was also taken away, it was commenced to burn the leaven.

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MISHNA: R. Hanina, the Sagan of the priests, said: The priests never objected to burn flesh which had become unclean through a child of uncleanness 1 (*i.e.*, had become an uncleanness of the second degree) together with such as had become unclean with a parent of uncleanness (*i.e.*, had become an uncleanness of the first degree), although the (legal) uncleanness of the first

mentioned had become correspondingly increased. R. Aqiba added to this and said: "The priests never objected to burn the oil of heave-offering, which had become unclean by being poured by an unclean person, who, however, had bathed on that day, into (a metal) lamp which had come in contact with an uncleanness produced by a dead body, notwithstanding the fact, that a higher degree of impurity had thus been added to its former impurity."

Said R. Meir: We learn from their words, that it is permissible, on account of the Passover, to burn clean heave-offering (of leaven) with that which has become unclean; but R. Jose rejoined: "This is not a (correct) inference." R. Eliezer and R. Jehoshua agree, however, that it is necessary to burn each separately. Wherein do they differ? Concerning things whose uncleanness is doubtful, and things which are positively unclean; for R. Eliezer says: "Each of them must be burned separately"; but R. Jehoshua says: "They may be burned together."

GEMARA: Let us see! If flesh had become unclean through a child of uncleanness, it became an uncleanness of the second degree; the flesh which had become unclean through a parent of uncleanness, became an uncleanness of the first degree; now, if the first mentioned flesh came in contact with the last mentioned, it also only attains a second degree of uncleanness, how can it be said that its degree of uncleanness had been increased? Said R. Jehudah: "The first named flesh had not been contaminated by a child of uncleanness, but by a second (degree) of uncleanness, in which it had become a third of uncleanness. Thus when brought into contact with flesh which was a first degree of uncleanness, it becomes unclean in the second degree, and R. Hanina holds, that a third degree of uncleanness may be made unclean in the second degree."

It is known, however, that eatables cannot become unclean by contact with other eatables? Here a case is referred to, where the flesh was soaked with a beverage, when it can become

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unclean on account of the beverage. If so, why does the Mishna state flesh only? It should have been mentioned in connection with beverages. Therefore we must say, that although, according to biblical law, eatables cannot become unclean by contact with other eatables, yet according to rabbinical law, eatables may become unclean in that manner.

"*R. Aqiba added to this and said.*" Let us see! What does R. Aqiba add to the above? The oil which had been touched by the unclean person became primarily a third of uncleanness, and, when poured into the lamp which was a first of uncleanness by reason of its contact with a parent of uncleanness, it became a second of uncleanness. (Hence where is the difference between R. Aqiba's statement and that above?)

Said R. Jehudah: In this instance the lamp was of metal and the Merciful One said [Numbers xix. 16]: "And whosoever toucheth in the open field one that hath been slain with a sword," which signifies, that the sword (which is of metal) becomes equally unclean with the object which it touches. Thus the lamp having come in contact with a parent of uncleanness also becomes a parent of uncleanness and the oil consequently becomes through contact with the lamp a first degree of uncleanness. This constitutes the addition made by R. Aqiba, viz.: A third of uncleanness may be turned into a first of uncleanness.

"*Said R. Meir: 'We learn from their words,'*" etc. From whose words do we learn? Said Resh

Lakish in the name of Bar Kappara: The Mishna in citing a parent or a child of uncleanness refers to such according to the biblical institution, and R. Meir's statement: "We learn from their words," which refers to rabbinical enactments, has no bearing upon our Mishna but concerns the difference between R. Eliezer and R. Jehoshua elsewhere (Tract Terumoth, Chap. VIII., Mishnas 8 and 9), and signifies as follows: "From the dispute between R. Eliezer and R. Jehoshua we learn, that clean heave-offering (of leaven) with that which has become unclean may be burned, etc."

This may be inferred also from our Mishna itself; for further it is stated, that "R. Eliezer and R. Jehoshua agree," etc., and had they not been referred to in the first place, how could they be quoted as agreeing upon the point involved? So also said R. Na'hman in the name of Rabha b. Abuhu.

R. Assi said in the name of R. Johanan: "R. Jose and R. Meir differ only concerning the sixth hour but after that time R. Jose also admits, that the clean heave-offering may be burned

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with the unclean." Said R. Zera to R. Assi: According to thy statement, then, R. Johanan holds, that R. Hanina the Sagan treats of the parent of uncleanness from a biblical point of view and of the child (first) of uncleanness from a rabbinical point of view; R. Meir, therefore, in his statement refers to the words of R. Hanina. (For the reason, that R. Meir speaks of the sixth hour, when, according to biblical law, even eating is permissible.) R. Assi rejoined: "Yea; so it is." The very same statement was taught also in the name of R. Johanan: And R. Meir holds according to his theory elsewhere while R. Jose holds in accordance with *his* own theory. R. Meir's theory is, that contact with beverages which are unclean causes uncleanness only according to rabbinical law, while according to biblical law this cannot take place (hence if R. Hanina the Sagan says, that flesh which has become unclean in the second degree was burned with flesh unclean in the first degree, the first named was only unclean according to rabbinical law while according to biblical it was clean and it was burned together with a biblical parent of uncleanness). R. Jose, however, holds, that contact with unclean beverages can cause uncleanness even according to biblical law; hence the first named flesh was made a child of uncleanness *biblically*, in which case it cannot be equal to clean heave-offering in the sixth hour, at which time according to biblical law leaven may still be eaten. This we learn from the following Boraitha:

"If there were doubtful beverages (*i.e.*, it was not known whether they had come in contact with an unclean person or not) they are themselves unclean, but cannot impart uncleanness to others. Such is the dictum of R. Meir. So also said R. Elazar. R. Jehudah, however, said, that they can even impart uncleanness to others. R. Jose and R. Simeon both said: They can impart uncleanness to eatables only but not to vessels."

The master said: "R. Jehudah, however, said, that they can even impart uncleanness to others." Shall we assume, that R. Jehudah. holds the capability of doubtful beverages to impart uncleanness to vessels also in accordance with biblical law? Have we not learned in a Mishna [Tract Kelim xxv. 1]. "all vessels having an inner side and an outer side, *f.i.*, bolsters, pillows, sacks and bags, if becoming unclean on the inner side, the outer side is also unclean; but if the outer side only had become unclean, the inner side remains clean. Said R. Jehudah:, Such is the case if they had become unclean through contact

with beverages, but if through contact with reptiles, it makes no difference which side had become unclean: both sides are unclean?" If we would say then, that uncleanness through contact with beverages is based on biblical law, why is there a distinction made (the same should be the case as with reptiles)?

Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) retracted this statement."

The schoolmen propounded a question: "Did R. Jehudah retract his statement concerning vessels only but as for eatables he holds as R. Jose and R. Simeon, or did his retraction also apply to eatables and he is of the same opinion as R. Meir?" Said R. Na'hman bar Itz'hak: "Come and hear: The flesh of a cow, which had drunk the waters wherein were contained the ashes of the (sacrificial) red heifer and was slaughtered immediately afterwards, is unclean. R. Jehudah, however, said, that the flesh is not unclean, as the water was annihilated in the entrails of the cow." If, then, R. Jehudah's retraction only referred to vessels, but as for eatables he holds with R. Jose and R. Simeon, why does he say that the flesh is not unclean? Granting that the water was not quite effective in the entrails of the cow, the uncleanness caused thereby is not severe but it certainly constitutes a mild uncleanness? R. Jehudah really means to state that the flesh was not severely unclean but was mildly so. R. Ashi, however, said, that the water was actually annihilated and R. Jehudah holds such to be the case not because of his retraction, but because the water mentioned is foul and can. not be considered a beverage.

Footnotes

[3:1](#) There is a difference of eight letters in the Hebrew original, and by a strange coincidence there is the same difference in English.

[3:2](#) These last two paragraphs are in the old edition, contained on page 4 *a*.

[13:1](#) The beer of the Babylonians was made from dates.

[14:1](#) This last sentence is according to others not contained in the earlier editions, and hence the questions on this point are decided according to Rabh.

[18:1](#) The term used in the Mishna, which we render with "festival," is Moëd, and Rashi explains this to mean "at the appointed time"; but we render it according to the explanation of Tospath, which is more reasonable.

[18:2](#) The reason that search must be made even after the festival is because the Chometz situated in the house during the festival must not at any time be used.

[19:1](#) The GEMARA in the original old edition is on Pages 4a to 6b. The proper place for it, however, is here.

[20:1](#) Vide Tract Sabbath, Vol. I., page 136.

[23:1](#) Vide Tract Sabbath, page 17.

[26:1](#) For definition of the terms "parent of uncleanness," "child of uncleanness," etc., see Tract Shekalim, Ch. VIII., Mishna *d.*

[Next: Chapter II: Time for Eating Unleavened Bread and Material Used for Making Unleavened Bread and Bitter Herbs](#)