

OVERVIEW of the Daf

1) Refined language (cont.)

Three more incidents involving a person's speech are cited.

2) Clarifying the Mishnah

The Gemara asks why bedikas chometz is performed at night when chometz does not become prohibited until the morning.

R' Nachman bar Yitzchak explains: Night is a time when people are home and furthermore the light of the candle is more effective at night.

Abaye concludes that it is prohibited for a person to learn before bedikas chometz because of the fear that he will forget to perform the bedikah.

3) Renting a house

R' Nachman bar Yitzchak was asked: If someone rents a house from his friend on the fourteenth of Nisan, who is obligated to do the bedikah? Is it the owner because it is his chometz or the tenant because it is presently his domain?

R' Nachman bar Yitzchak cited a Baraisa that addresses this issue.

R' Nachman bar Yitzchak was asked: If someone rents a house from his friend on the morning of the fourteenth of Nisan may he assume that bedikas chometz was already performed?

R' Nachman bar Yitzchak attempted to answer the inquiry from a Baraisa which proved inconclusive.

The Gemara asks whether a person can claim that his transaction was mistaken, if he rented a house under the assumption that it was searched and it turns out that it was not.

The question is resolved from a statement of Abaye which indicates that the transaction is valid.

4) The source for when chometz becomes prohibited

Although R' Meir and R' Yehudah disagree regarding the timing of the Rabbinic prohibition against chometz both agree that Biblically it is not prohibited until the end of the sixth hour. The Gemara asks for the source for this halachah.

Abaye begins an explanation to identify the source of this halachah. ■

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Distinctive INSIGHT

The obligation of the renter and the tenant

או דלמא על השוכר לבדוק דאיסורא ברשותיה קאי

The Gemara presents a dilemma regarding who has the obligation to perform the search for the chometz when a landlord rents an apartment to a tenant on the fourteenth of Nisan. Is the obligation mainly upon the owner, because it is his property, or is the main obligation upon the occupant, because he will be living in the vicinity of any possible chometz?

This question must be understood against the backdrop of Rashi's commentary on the Mishnah, where he said that the bedikah is to avoid **בל יראה ובל ימצא**. If this is the case, the obligation can only be explained in terms of the owner, because any chometz in the apartment is his only, and he is the only one who might come to be in violation of these negative commandments. Nevertheless, Ra"n has explained that the comment of Rashi in the Mishnah was only a preliminary comment, before we realized that one who checks must also nullify the chometz, as well. This being the case, bedikah is no longer a precaution against **בל יראה ובל ימצא**, for these are solved with the nullification. Now,

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REVIEW and Remember

1. What three halachos related to mourning were deduced from R' Chiya's reaction to the news that his brother passed away?
2. What are the guidelines for determining who must search for chometz when the house is rented on the fourteenth?
3. Why, regarding bedikas chometz, do we believe the testimony of those who are disqualified witnesses?
4. What was the rationale behind Abaye's ruling to validate a lease even though it turns out the house was not searched?

HALACHAH Highlight

Learning or searching - which comes first?

אמר נחמן בר יצחק בשעה שבני אשם מצויין בבתייהם ואור הנר יפה לבדיקה, אמר אביי הלכך האי צורבא מרבנן לא לפתח בעידיניה באורתא דתליסר דנגהי ארבסר דלמא משכא ליה שמעתיה ואתי

The Gemara concludes that the search for chometz should be performed at night because people are generally at home at that time and candlelight is far more effective then.

Abaye¹ derives from this an important halachic application. A Torah scholar should not begin his regular learning session on the evening of the 13th Nisan preceding the 14th as he may become drawn in by his learning and as a result he will neglect to do the bedikah.

If we pay careful attention to Abaye's choice of words we can derive three important limitations to the scope of his halachah.

1. The prohibition is only to begin learning.
2. The prohibition is only on the night of the 14th.
3. The prohibition is only in the situation when he will be drawn into his learning and neglect the mitzvah.

The Rishonim dispute all of the above three points.

1. Rabbeinu Yonah² rules that one cannot begin learning, but he does not have to interrupt his learning if he has already begun. The Tur disagrees and forbids continuing to learn as well.
2. The Ba'al HaTanya³ holds that it is forbidden to begin learning even half an hour before the ap-

pointed time (unless one appoints an agent to remind him about the bedikah⁴) and the Chok Yaakov permits starting to learn prior to night-fall.

3. The Poskim differ regarding whether a person that is learning in a way where he will not become absorbed and lost in his thoughts (e.g. a fixed shiur which does not involve pilpul) thus forgetting to do the search. The Magen Avraham⁵ and others permit this type of learning whereas the Pri Chodosh⁶ and others prohibit even this type of learning, in order not to differentiate⁷ between different types of learning (which could create confusion) and in order not to delay the bedikah until after its preferred time.

Practically,⁸ many rule that even if he has begun his period of learning he should stop at tzeis hakochovim⁹. Similarly, to begin a fixed shiur within the half hour before tzeis hakochovim is permitted¹⁰.

A Rav¹¹ is also permitted to receive people who wish to sell their chometz after tzeis before they have done the bedikah. It is advisable that the person should appoint his wife or a second person¹² to remind him to check. ■

1. הלשון כאן הוא מלשון רש"י שפרש את לשון הגמ' כן דעת רבינו יונה. משא"כ לדעת הטור או"ח סימן רל"א אפילו אם התחיל פוסק
2. הגר"ז בקונטרס אחרון דייק כן הראשונים רבים, וכן פסק שם בס"ח. וכמ"א ס"ק ג' ומאידך בחק יעקב שם ס"ק ח' הקיל בזה ועיי"ש
3. כ"כ שם המ"ב ס"ק ז'
4. כ"כ הכנה"ג והמ"א שם. (בס"ק ה') בשם הראנ"ח ח"ב סימן ע"ט
5. כ"כ הפרי חדש שם ס"ק ב' בד"ה כתב. ועיי"ש דד"ק מהרמב"ם בתחילת הלילה הוא עיקר הזמן וכן משמע בירושלמי. ודע עוד שהריטב"א ומאירי דייקו כאן ממש"כ "קבע", ■

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the function of the bedikah is to avoid possibly eating any chometz that may be found.

Tosafos (ב. ד"ה אור לארבעה עשר) explicitly states that the purpose of bedikah is to avoid possibly eating the chometz. The question in our Gemara would be that once the 14th

has begun, and the responsibility to check has already been assigned to the owner, can this חיוב be transferred to the renter, or does it remain incumbent upon the one to which it was initially placed?

The proof from mezuzah is that in what seems to be a parallel situation, although the original obligation is

upon the owner, this can be shifted to someone else, here being the tenant.

Nevertheless, the Gemara deflects this proof. Perhaps our willingness to place the obligation upon the renter may be unique to the case of mezuzah, as the Gemara explains. However, in the case of chometz, this may not be the case. ■

