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[www.rabbinicalcollege.edu.au/Shiurim](http://www.rabbinicalcollege.edu.au/Shiurim) ✉ [Rabbi.Lesches@rabbinicalcollege.edu.au](mailto:Rabbi.Lesches@rabbinicalcollege.edu.au)

פסחים כ"א עמוד א'

## רש"י ד"ה: כל שעה שמותר לאכול מאכיל

### ⌘ The words of רש"י

The משנה teaches that as long as it is permissible to eat חמץ, one may also feed the חיה ועופות (domesticated animals, beasts and birds). רש"י understands this ruling to be obvious; if one may eat חמץ himself, then he most certainly may feed it to the animals! Why was it necessary for the משנה to state this? To answer this question, רש"י explains that the true purpose of the משנה lies not in what it **explicitly** states, but rather, in what it **implies**. In other words, the משנה is necessary to indicate that when it is no longer permissible to eat חמץ, it is also forbidden to feed it to the animals. As the צ"ח explains, this is not so obvious; in fact, רבי יוסי הגלילי is of the opinion that one may benefit from חמץ on פסח. [The גמרא, right at the outset, draws this inference too. However, רש"י adds that this phrase of the משנה is necessary **only** for the sake of this inference.]

The אחרונים ask many questions on רש"י, both from the continuation of the משנה as well as the גמרא. Some of their difficulties are presented below, in the same order that they appear in the continuation of the משנה and the גמרא.

### ⌘ The סיפא of the רישא is explicitly written in the דיוק

The אור חדש asks: The סיפא of the משנה explicitly states "עבר זמנו אסור בהנאתו" ("when its time has passed, its benefit is forbidden"). If so, how could רש"י possibly explain that the purpose of the רישא is to teach that it is forbidden to feed the animals in the sixth hour – the סיפא teaches this explicitly!

❖ The ראש יוסף (authored by the פרי מגדים) answers that the meaning of the סיפא is not that clear. For, the סיפא merely states "עבר זמנו אסור בהנאתו" ("when **its** time has passed, its benefit is forbidden"), without clarifying what "**its** time" refers to – the **דרבנן** of eating חמץ which begins at the sixth hour, or the **דאורייתא** of eating חמץ which begins at the seventh hour. This is why the רישא is necessary; it states that one may benefit from חמץ only when it is permissible to eat it **in practice**, which indicates that one may no longer benefit from the חמץ once it is no longer permissible to eat **in practice** – i.e. from the beginning of the sixth hour.

This answer leads to another question: If the רישא indicates that one may no longer benefit from the חמץ once it is no longer permissible to eat, why is also necessary for the סיפא to specify this? In fact, according to the ראש יוסף's explanation, the רישא conveys this דין more accurately than the סיפא, so why teach the סיפא at all? ר' תוספות (ד"ה עבר זמנו) answers that it is "the manner of a תנא to double his words", i.e. it is the manner of a תנא to wrap up his statement by explicitly stating that which is implicit from the beginning of his statement.

❖ Alternatively, the שפת אמת answers that the סיפא prohibits benefit in general, but it does not focus on feedings animal specifically. Had the משנה stated just the סיפא, one would have thought

<sup>1</sup> כן מפרשים התוס' חכמי אנגלי' את קושיית רש"י, דכ"ש הוא.

that this prohibition extends only to feeding animals from which one benefits, i.e. the animals that he owns. However, one might have thought that it is still permissible to feed animals of הפקר, from which one derives no benefit, at least not in the classical sense. Therefore, the דיוק of the רישא is necessary, for it prohibits feeding any ועופות חיה, without distinguishing between an animal that one owns or not<sup>2</sup>.

This approach assumes that the רישא of our משנה prohibits feeding even animals that one does not own. Indeed, the ירושלמי clearly infers this from the רישא of our משנה, deriving this from the fact that the משנה speaks of a בהמה ("an animal"), and not בהמתו ("his animal")<sup>3</sup>. Nevertheless, the reason for this איסור is hard to understand, for ultimately, the תורה only forbade eating and benefit from חמץ, whereas one does not seem to derive any benefit from feeding an animal which is הפקר. Several different answers are proposed:

1. The מגן אברהם explains<sup>4</sup> that הנהא is not limited to direct and tangible benefit. Rather, every type of benefit is included, even a very indirect kind of benefit such as a good feeling or sense of achievement. Although one does not directly derive benefit from feeding ownerless animals, he nonetheless senses a feeling of satisfaction when caring for the animal, and that constitutes forbidden benefit. The אחרונים debate<sup>5</sup> whether such benefit is forbidden מן התורה or מדרבנן. But, either way, it is not the classical type of הנהא, and one would not have known to derive it from the phrase איסור הנהא of the סיפא. Therefore, it was necessary to spell out the דין of feeding animals separately, which the תנא does in the רישא.
2. The הגהות אשרי (ב:ג) and הגהות מיימוניות (ג:יא) explain that, after the האיסור, the owner of the חמץ must destroy it. That is why he cannot feed it to ownerless animals – not because of any benefit, but rather, because he is not destroying the חמץ in the prescribed manner. Since the owner is not deriving any benefit, this prohibition cannot be derived from the phrase איסור הנהא taught in the סיפא. Therefore, it was necessary to spell out the דין of feeding animals separately, which the תנא does in the רישא.
3. The פרי מגדים seems to understand that this דין is based entirely on a special הכתוב, being גזירת הכתוב, that the ירושלמי brings a דרשה in support of this דין. [The other מפרשים above who did not explain this way maintain<sup>6</sup> that the דרשה of the ירושלמי is merely an אסמכתא.] Since the owner

<sup>2</sup> Accordingly, רש"י's primary intention is that the רישא prohibits one from feeding חמץ to ownerless animals. This seems to be contradicted by רש"י ד"ה ע"ב ד"ה ש"מ, which states that one may destroy חמץ on יום טוב by feeding it to the dogs (i.e. ownerless animals). However, that רש"י seems to be at odds with the ירושלמי, which clearly forbids feeding חמץ to ownerless animals. The אחרונים offer a number of explanations to reconcile that רש"י with the ירושלמי, which will also, by extension, reconcile that רש"י with the אמת's explanation of our רש"י.

<sup>3</sup> גוף הדיוק אינו מפורש בירושלמי, והביאור בפנים הוא ע"פ הגהות הרי"מ בידרמן על השפ"א, וכן באמרי בינה. הא"ש (מאכל"א ד:כב) ביאר באופ"א. אור"ח תמח"ט, וכן מבואר בלבוש שם סעיף ו'.

<sup>4</sup> השעה"צ (תמח:עה) כתב שלפי טעם זה, איסורו הוא מה"ת, וכתב שהפרימ"ג הסתפק בזה. אבל האמרי בינה חולק וסב"ל שהוא מדרבנן. ולכא"פ פליגי דמאי דכתב הלבוש שחז"ל הסמיכו דין זה על הפסוק, האם כוונתו שהדרשה הוי אסמכתא (כן דעת השעה"צ), או שגוף הדין הוי אסמכתא (אמרי בינה).

<sup>6</sup> כ"כ הלבוש (אור"ח תמח:ו).

<sup>7</sup> An אסמכתא refers to a דין דרבנן that is "supported" by a פסוק. There are many opinions as to what exactly this means:

מהרי"ל – The חכמים supported their דין with a פסוק that they "re-explained". Thereby, the masses would think that the דין is מדאורייתא, which would lead them to treat it with the proper respect.

ריטב"א – In אסמכתא, the פסוק actually means what the חכמים say it means. However, the תורה only stated the דין as a suggestion, not as an obligation. Later on, the חכמים decreed that this דין should be adhered to as an obligation, and this תקנת חכמים thus has support from the פסוק.

קריית ספר – When the חכמים instituted new תקנות, they were sometimes open to various ways of instituting them. For example, when the חכמים instituted that one should not travel 2000 אמות on שבת, they could have prohibited 1000 אמות or 3000 אמות instead. Ultimately, they instituted 2000 אמות, because there is a פסוק that can be interpreted as teaching that 2000 אמות is forbidden.

is not deriving any benefit, this prohibition cannot be derived from the phrase איסור הנאה taught in the סיפא. Therefore, it was necessary to spell out the דין of feeding animals separately, which the תנא does in the רישא.

**☞ The משנה is מחדש that רבן גמליאל permits benefit from חמץ during the fifth hour**

The גמרא ultimately concludes that the wording of the משנה accords with the opinion of רבן גמליאל, who holds that חמץ may not be eaten in the fifth hour, aside from a כהן who wishes to eat תרומה which is חמץ.<sup>8</sup> [The משנה on חמץ records a three-way debate regarding eating חמץ in the fifth hour; according to רבי מאיר, everyone may eat חמץ during the fifth hour; according to רבי יהודה, nobody may eat חמץ during the fifth hour; and according to רבן גמליאל, only תרומה may be eaten during the fifth hour.] Thus, the intent of our משנה is that during the time that it is permissible for **someone else** to eat חמץ – i.e. it is permissible for a כהן to eat תרומה in the fifth hour, one may also feed his own חיה ועופות חיה. This דין does not seem obvious, for two reasons:

1. As the מפרשים explain<sup>9</sup>, the only reason that רבן גמליאל allows a כהן to eat תרומה in the fifth hour is in order to prevent the loss of תרומה. Thus, רבנו יונתן מלוניל notes that this gives rise to the thought that רבן גמליאל does not allow animals to be fed חולין in the fifth hour, being that the above-mentioned concern does not apply.
2. Furthermore, according to רבן גמליאל, it emerges that when the כהן must stop eating תרומה (i.e. at the end of the fifth hour), he must also immediately stop deriving benefit from all חמץ. The ר"ן notes that this gives rise to the thought that רבן גמליאל might completely equate eating חמץ with deriving benefit from it; just as a כהן must immediately stop deriving benefit from all חמץ once he may no longer eat it (i.e. at the end of the **fifth** hour), so too, a ישראל must also immediately stop deriving benefit from all חמץ once he may no longer eat it (i.e. at the end of the **fourth** hour).

Since the position of רבן גמליאל regarding these points is neither obvious nor clarified anywhere else, it is seemingly necessary for the משנה to teach that רבן גמליאל allows a ישראל to feed his animals חולין in the fifth hour, even though he can no longer eat it himself. [In fact, according to some מפרשים, this is the main purpose of the משנה.<sup>10</sup>] If so, why does רש"י find the explicit part of the משנה's statement to be obvious?

The אחרונים provide several answers. Amongst them:

1. The מהרש"א and פניי explain that deriving benefit from חמץ is certainly nowhere near as severe as eating חמץ. Accordingly, רש"י holds that if there is a time when **someone** may eat חמץ, then it goes without saying that **everyone** may benefit from חמץ. [To further explain, the מהרש"א הארוך suggests that since the חכמים permit a כהן to eat חמץ in order to prevent the loss of תרומה, it follows that the חכמים also permit one to benefit from his חולין, in order to prevent its total and complete loss.] Thus, when רבן גמליאל teaches that a כהן may eat תרומה during the fifth hour, it goes without saying that **everyone** may benefit from חמץ during the fifth hour.
2. The תוספות חדשים (as well as the צ"ח – in one answer) explains that רש"י's intent is to explain the משנה as **initially** understood by the גמרא, and not as **ultimately** understood by the גמרא. In other words, the גמרא initially assumed that the משנה accords with רבי מאיר, who holds that **everyone** may eat חמץ during the fifth hour. This interpretation of the משנה raised the obvious question; if the משנה holds that everyone may eat the חמץ during the fifth

<sup>8</sup> Henceforth, every mention of חולין or תרומה refers to חולין or תרומה which is חמץ.

<sup>9</sup> ראה רש"י י"א ע"ב.

<sup>10</sup> כ"כ בפירוש המשניות, רבנו יונתן מלוניל, ר"ן ונמוקי יוסף.

hour, then it may most certainly be fed to the animals! Why was it necessary for the מנשה to state this? In order to address this question, רש"י explained that the true purpose of the משנה lies not in what it explicitly states, but rather, in what it implies.

However, once the גמרא concludes that the משנה accords with רבן גמליאל, רבן רש"י agrees that this explanation – that the משנה is needed for what it implies rather than for what it explicitly states – is no longer the case. For, as explained above, the explicit teaching of the משנה is not obvious according to רבי גמליאל, as one might have thought that although a כהן may eat חמץ during the fifth hour, nevertheless, an animal may not be fed חולין during the fifth hour. Accordingly, רש"י's explanation of the משנה applies only to the הוזה אמינא of the גמרא, and not to the מסקנא of the גמרא.

[It is generally accepted that רש"י often explains a משנה or ברייתא in a manner which is compatible with a forthcoming הוזה אמינא of the גמרא, even when this explanation is not compatible with מסקנא of the גמרא, in order to allow one to understand the flow of the גמרא.]

**רבן גמליאל of the משנה indicates that he accords with תנא**

The גמרא concludes that the wording of the משנה accords with the opinion of רבן גמליאל, who holds that חמץ may not be eaten in the fifth hour, aside from a כהן who wishes to eat תרומה. Seemingly then, the משנה's statement is necessary in order to teach that this תנא rules in accordance with רבן גמליאל. [According to the תלמיד הרשב"א, this is in fact the purpose of the רישא.] If so, asks the נמוקי בגרי"ב, why does רש"י find the explicit part of the משנה's statement to be obvious?

1. The מהר"ם חלאווה answers that all of the above-mentioned תנאים (i.e. רבי יהודה, רבי מאיר, and רבן גמליאל) are in agreement regarding when one may **benefit** from חמץ, and they only argue about when one may **eat** חמץ. [According to רבי מאיר, everyone may eat חמץ during the fifth hour; according to רבי יהודה, nobody may eat חמץ during the fifth hour; and according to רבן גמליאל, only תרומה may be eaten during the fifth hour.] Now, although the wording of the משנה concurs with רבן גמליאל regarding when one may **eat** חמץ, it is nevertheless clear from the משנה's wording that it **focuses** on when one may **benefit** from חמץ. The question of רש"י is that the **primary** point of the משנה – that one may feed his animals חמץ when he himself is permitted to eat it – is obvious; if one may eat the חמץ during the fifth hour, then he may most certainly feed it to the animals!
2. Furthermore, according to the תוספות חדשים (as well as the צ"ח – in one answer) cited above, רש"י's intent may be to explain the משנה as **initially** understood by the גמרא, and not as **ultimately** understood by the גמרא. In other words, the גמרא initially assumed that the משנה accords with רבי מאיר, who holds that **everyone** may eat חמץ during the fifth hour. This interpretation of the משנה raised the obvious question; if the משנה holds that everyone may eat the חמץ during the fifth hour, then it may most certainly be fed to the animals! Why was it necessary for the מנשה to state this? In order to address this question, רש"י explained that the true purpose of the משנה lies not in what it explicitly states, but rather, in what it implies. However, once the גמרא concludes that the משנה rules like רבן גמליאל, רש"י agrees that this explanation – that the משנה is needed for what it implies rather than for what it explicitly states – is no longer the case.

Accordingly, רש"י's explanation of the משנה applies only to the הוזה אמינא of the גמרא, and not to the מסקנא of the גמרא. [As mentioned above, it is generally accepted that רש"י often explains a משנה or ברייתא in a manner which is compatible with a forthcoming הוזה אמינא of the גמרא, even when this explanation is not compatible with מסקנא of the גמרא, in order to allow one to understand the flow of the גמרא.]

3. Finally, and most importantly, many מפרשים clarify that the purpose of our תנא is not to rule like רבן גמליאל. The simple proof is that, had this been his intention, we would be bound to pasken accordingly, as per the principle of הלכה כסתם משנה, which means that the הלכה accords with a הלכה that is taught in the משנה namelessly. However, the גמרא clearly paskens like רבי יהודה, which demonstrates that the intention of our תנא was not to rule like רבן גמליאל. [Shiur 3 will explain, if so, what the תנא intended to achieve by focusing on רבן גמליאל, and how the גמרא knew that the תנא was not coming to pasken.]

**☞ The משנה is מחדש that one need not be concerned about leftovers**

From the conclusion of the גמרא, it emerges that the דין of feeding animals is not so obvious; since they are likely to leave leftovers, one might have thought it forbidden to feed them חמץ during the fifth hour. In this light, the גמרא will go on to explain why it was necessary to spell out בהמה and חיה separately. As such, it is indeed necessary for the משנה to teach that one may feed חמץ to the animals during the fifth hour, in order to establish that we are not concerned about leftovers. [In fact, the מהר"ם חלאווה maintains that this is the primary purpose of the משנה's statement.] If so, the מהרש"א asks, why does רש"י view the explicit part of the משנה's statement as obvious?

The צ"ח answers<sup>11</sup> that had the primary purpose of the משנה been to teach that one may feed the animals in the fifth hour **despite the concern of leftovers**, then the משנה should have simply stated "כל שעה חמישית מאכיל לבהמה לחיה ולעופות" ("for the entire fifth hour, one may feed an animal, a beast, and birds").

Instead, the משנה states "כל שעה שמותר לאכול מאכיל לבהמה לחיה ולעופות" ("as long as it is permissible to eat, one may feed an animal, a beast, and birds"). Apparently, the **main** point of the משנה is to link the דין of eating חמץ with the דין of feeding one's animals, and once on the subject, the משנה adds – as an **aside** – that one need not be overly concerned about his animals leaving leftovers. Accordingly, the question of רש"י is that the **main** point of the משנה – the link between a human eating חמץ and feeding חמץ to the animals – is obvious; if one may eat the חמץ during the fifth hour, then he may most certainly feed it to the animals!

<sup>11</sup> וראה תירוצים נוספים בפניי ובאור חדש.