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פסחים כ"א עמוד א'

תוספות ד"ה: לימא מתני' דלא כר' יהודה

☞ The words of תוספות

The משנה on עמוד ב' 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.

Our גמ' initially asks: "Shall we say that the משנה is not יהודה?" – "רבי יהודה יהודה?" The גמ' goes on to prove that the משנה is incompatible with the position of רבי מאיר as well, and ultimately concludes that the משנה accords with רבן גמליאל. Now, there is a well-known principle that the גמ' employs the expression "לימא" ("shall we say") only with regards to a presumption that the גמ' will ultimately reject¹. If so, why does our גמ' use the expression "לימא" if the גמ's initial premise (that the משנה is not יהודה) ultimately stands?

תוס' answers that the thrust of the גמרא's initial premise is not that the משנה is incompatible with רבי יהודה, but rather, that the משנה is compatible with רבי מאיר. Thus, the גמ' really means: "Shall we say that the משנה is not יהודה, but rather, רבי מאיר?" The גמ' goes on to reject this, by proving that the משנה is incompatible with the position of רבי מאיר as well. Accordingly, the גמ' is justified in employing the expression "לימא", because the initial presumption – that the משנה is compatible with רבי מאיר – is ultimately rejected.

☞ Difficulties with תוספות

The explanation of תוס' presents various difficulties:

1. If it is true that the thrust of the גמרא's initial premise is that the משנה is compatible with רבי מאיר, then why didn't the גמ' communicate this clearly, by saying "לימא מתני' כרבי מאיר" – "Shall we say that the משנה is רבי מאיר", as opposed to saying "לימא מתני' דלא כרבי יהודה" – "Shall we say that the משנה is not like רבי יהודה?"
2. According to תוספות, our משנה does not accord with רבי יהודה at all. Yet, we find (on דף י"ג) that רב rules in accordance with רבי יהודה. This seems problematic; why is the הלכה like רבי יהודה if our משנה rules differently!

¹ The references to a נזיר in תוס' (on דף ב' עמוד ב') which indicates that there are exceptions to this rule. Our תוס' either disagrees, or prefers to avoid saying that our גמ' is an exception.

² The principle of "הלכה כסתם משנה" means that the הלכה accords with a משנה that is taught namelessly. In מסכת ביצה (on דף ב' עמוד ב'), רש"י explains that when the words of a certain תנא found favour in the eyes of רבי, he taught them namelessly, in order to create the impression that it is the majority consensus. The principle of "הלכה כסתם משנה" is all the more compelling in a case of "מחלוקת ואח"כ סתם"; when רבי initially recorded a מחלוקת, and afterwards namelessly repeated the

Now, the גמ' (on י"ג עמוד א' on דף) actually touches upon this second issue. Just as in our סוגיא, that גמרא initially assumed that our משנה סתם concurs with the opinion of רבי מאיר, and therefore asked why the הלכה is like רבי יהודה! The גמ' there answered (as in our גמרא) that our משנה סתם is not compatible with רבי מאיר either, for its wording indicates that there is a time when it is permissible only for **someone else** to eat חמץ – i.e. a כהן may eat תרומה the fifth hour, whereas רבי מאיר holds that **everyone** may eat חמץ during the fifth hour.

Now, that גמ' seems problematic, on two counts:

3. Since the גמרא ultimately concludes that the wording of our משנה accords with רבן גמליאל, the question of the גמרא still applies, albeit in a different form: Why does רב rule in accordance with רבי יהודה, when our משנה סתם accords with רבן גמליאל?
4. In explaining why our משנה is not רבי מאיר, the wording of the גמ' (on י"ג עמוד א') is: "דהיא לאו סתמא הוא" – "that משנה (i.e. our משנה) is not a סתם משנה". Seemingly, this is imprecise, for our משנה **is** a סתם משנה – it is nameless! Rather, the גמ' should have stated "דהיא סתמא לאו רבי מאיר הוא" – "that סתם משנה (i.e. our משנה) is not רבי מאיר"?

☞ The approach of the ר"ן

In order to answer all of these questions, the ר"ן presents a different approach to תוספות. The ר"ן explains that in analysing the intent of our משנה, there is a tremendous difference between whether the משנה accords with רבי מאיר or with רבן גמליאל.

According to the possibility that our משנה accords with רבי מאיר, the משנה does not add anything new to our understanding of רבי מאיר's opinion, being that his opinion is already clearly spelled out in the משנה of ע"ב חס משנה; דף י"א ע"ב; that anyone and everyone may both eat and derive benefit from חמץ in the fifth hour, and not in the sixth hour. Since our משנה does not add anything new to our understanding of רבי מאיר, the only reason that our משנה could possibly be restating his opinion is in order to rule accordingly. Thus, if our משנה accords with רבי מאיר, its aim can only be to exclude the opinions of רבי יהודה and רבן גמליאל.

However, according to the possibility that our משנה accords with רבן גמליאל, our משנה is indeed needed to enhance our understanding of רבן גמליאל's opinion. For, the opinion of רבן גמליאל as recorded in the משנה of ע"ב י"א is somewhat obscure, being that it only mentions the דין of אכילה, and not the דין of הנאה. Had our משנה not clarified this detail, one might have thought that רבן גמליאל completely equates eating with deriving benefit; just as a כהן must immediately stop deriving benefit from all חמץ once he can 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 can no longer eat it (i.e. at the end of the fourth hour). Our משנה therefore clarifies the opinion of רבן גמליאל, and teaches that a ישראל may still derive benefit from the חמץ in the fifth hour, even though he can no longer eat it.

Accordingly, explains the ר"ן, the point of the משנה is that **all** תנאים agree that one may derive benefit in the fifth hour. The משנה words it as follows: During **any** time that **any** תנא permits at least **some** people to eat חמץ – during that time, **all** תנאים agree that one may feed the בהמה חיה. ועופות. When interpreted in this manner, it emerges that the aim of the משנה is not to exclude the opinions of רבי מאיר and רבי יהודה, but rather, to enhance our understanding of רבן גמליאל.

in accordance with one particular opinion. In such an instance, the reason that רבי re-taught the דין namelessly after he taught the מחלוקת, is because he subsequently determined the הלכה to be like that opinion.

³ In explaining the first רש"י of the פרק, the מהרש"א presents an opposing viewpoint; that since רבן גמליאל holds that a כהן may eat תרומה during the fifth hour, it goes without saying that **everyone** may benefit from חמץ during the fifth hour, because benefitting from חמץ is not as severe as eating חמץ. This מחלוקת between רש"י and the ר"ן was discussed in Shiur 1.

This explanation answers the four above-mentioned questions:

1. The main thrust of our גמרא's initial premise is that by reiterating the opinion of רבי מאיר, the משנה excludes the opinion of רבי יהודה! The גמ' communicates this clearly, by saying "Shall we say that the משנה is not רבי יהודה?"
2. According to the מסקנא of our גמ', it emerges that our משנה does not exclude רבי יהודה at all; rather, its aim is merely to clarify the somewhat obscure opinion of רבן גמליאל. Thus, it is not problematic that רב (on דף י"ג עמוד א') rules in accordance with רבי יהודה, for our משנה does not exclude his opinion!
3. Similarly, when the גמרא on עמוד א' concludes that the wording of our משנה accords with רבן גמליאל, it is no longer problematic that רב rules in accordance with רבי יהודה, for our משנה does not rule differently!
4. In explaining that the wording of our משנה accords with רבן גמליאל, the גמ' on עמוד א' states: "סתם משנה (i.e. our משנה) is not a משנה". According to the ר"ן, the wording is precise, for in concluding that our משנה accords with ר"ג, it emerges that the aim of our משנה is not to clarify the הלכה, and the principle of "סתם משנה" does not apply to it.